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Marquess of Ailsa.

THOMAS WILDE.

WITHDRAWN
FROM STOCK

THE

PARLIAMENTARY

OR

CONSTITUTIONAL

History of England;

From the earliest TIMES,

TO THE

Restoration of King CHARLES II.

COLLECTED

From the RECORDS, the ROLLS of PARLIAMENT, the JOURNALS of both HOUSES, the public LIBRARIES, original MANUSCRIPTS, scarce SPEECHES, and TRACTS; all compared with the several Contemporary WRITERS, and connected, throughout, with the History of the Times.

By SEVERAL HANDS.

The SECOND EDITION, in Twenty-four Volumes.

VOL. I.

From the Conquest, to the Deposal of King *Richard* II.

LONDON,

Printed for J. and R. TONSON, and A. MILLAR, in the *Strand*; and W. SANDBY, *in Fleet-Street*. MDCCLXII.

109 A

To His Grace

THOMAS,

Lord Archbiſhop of CANTERBURY;

TO

The Right Honourable

PHILIP,

Lord HARDWICKE, Lord High Chancellor of GREAT-BRITAIN;

AND TO

The Right Honourable

ARTHUR ONSLOW, *Eſq*;

Speaker of the Honourable Houſe of COMMONS;

The following Work is, with the utmoſt Gratitude, inſcribed by

Their moſt obliged,

And obedient humble Servants,

April, 1751.

The COMPILERS.

THE PREFACE TO THE FIRST EDITION.

THE general Neglect of all our Hiſtorians, *in regard to the Proceedings of* Parliament, *which may be juſtly ſtyled the* Conſtitutional Hiſtory of England, *firſt gave Riſe to this Attempt: Theſe Writers are ſo engaged in diſplaying the Accounts of Battles, Sieges, and other ſtriking Tranſactions of* War Abroad, *that they ſeem entirely to have forgot the* Sinews *of it, the raiſing of* Supplies *by* Parliament, *at* Home; *according as the different Exigencies of the State required.*

This great Omiſſion induced ſeveral Gentlemen, ſome Years ſince, to begin to collect proper Materials for an Authentic Hiſtory *of the Proceedings of* Parliament, *from the earlieſt Times.*

The firſt Step neceſſary herein, was a diligent Examination of the Records, *the* Parliament-Rolls, *the* Journals *of both Houſes, and* Public

Libraries.—*The tracing out such Particulars as were to the Purpose in the First, was undertaken by the late Mr.* George Holmes, *Deputy-Keeper of the* Records *in the* Tower, *who generously offered his Service therein. The* Lords' Journals, *the* Parliament-Rolls, *and* Rymer's Fœdera, *have all been carefully examined by some Gentlemen well acquainted with* English *History, who chuse rather to deserve well of the Public, than to receive their Thanks.*——*From all these have been extracted so great a Variety of Transactions, hitherto unknown, as is really amazing. Every Writer of* English *History, except Bishop* Burnet, *has entirely neglected the* Lords' Journals: *And even that learned Prelate, who had Liberty given him to search therein for Materials, seems only to have cursorily dipp'd into them.*——*Whether the huge Number of Volumes deterred his Lordship, or the Difficulty of procuring them prevented other Writers, we know not: But the Publication of this Work will demonstrably prove, that these great Authorities have hitherto been either wholly omitted, or, at most, but slightly passed over.*

The House of Commons *having, a few Years since, ordered their* Journals *to be printed, a Set of these were supplied by an Honourable Member*

of

of the preſent Parliament: And it would be the higheſt Injuſtice not to acknowledge the great Care and Accuracy obſerved in the noble Edition of that Work.

The Public Libraries, *and particularly the* Cotton, *have furniſhed Abundance of Materials for our Purpoſe, which are omitted even in the* Journals *of both Houſes. Many original Manuſcripts and ſcarce Pamphlets have alſo been communicated by private Gentlemen; but the public Sale of the* Harleyan *and other Libraries belonging to antient Families, have ſupplied a Variety not to be expreſſed.*

In a Work of this Nature the greateſt Impartiality is juſtly required; and the Compilers perſuade themſelves the Event will ſhew, that it has been as ſtrictly obſerved. A few Hints of the Method taken herein may not be improper. In the earlier Times the Work is chiefly compiled from the Records, *the* Parliament-Rolls, *and the moſt reputable* antient *Writers of* Engliſh *Hiſtory: In the Reign of* Henry VIII. *the* Lords' Journals *begin; and, under* Edward VI. *thoſe of the* Commons. *The Reigns of the ſucceeding Princes, to that of* Charles I. *have been written by Contemporaries. From the Time, therefore,*

of

of the Commencement of the Journals *of either Houſe, this Work may be ſaid to be, if nothing more,* A Faithful Abridgement of thoſe undoubted Authorities.

From the latter End of King James, *to the Death of his Son* Charles I. Whitlocke, Clarendon, *and* Ruſhworth *(contemporary Hiſtorians) have been conſulted; The Firſt of theſe is very exact; the Second, much leſs ſo; and, as to the Latter, we are ſorry to ſay, the Public have not ſo many Obligations to that Gentleman's* Collections, *as hath been generally imagined.—For Inſtance, one among many—An Addreſs of Parliament, entered in the* Lords' Journals, *being collated with the printed Copy of Mr.* Ruſhworth, *ſuch Variations and Omiſſions appeared as were aſtoniſhing. That theſe Diſcoveries were never made before, muſt be owing either to the Difficulty of coming at the* Journals, *or the Trouble of ſearching them; for Party-Zeal would not otherwiſe have ſuffered ſuch Miſtakes to have been ſo long buried in Silence. However, upon this Inſight, it was thought neceſſary to collate all the King's Speeches, Meſſages, and Declarations; as alſo the ſeveral Addreſſes, Remonſtrances, Speeches,* &c. *in each Houſe, (as printed in* Ruſhworth) *with the* Journals, *and ſeveral* original Manuſcripts

ſcripts *and* Pamphlets *of the Times: And this has been done accordingly, with the greateſt Care and Exactneſs.*——*Hereby many Omiſſions have been ſupplied, and obſcure Paſſages reſtored: But, at the ſame Time, to do Mr.* Ruſhworth *Juſtice, his Text is added by Way of Note.*

The References made to Acts of Parliament, and the Year-Books, and other Quotations, in the ſeveral Speeches and Arguments, have all been carefully examined by an eminent Barriſter at Law.—The moſt remarkable Statutes in every Seſſion of Parliament are taken Notice of; and the State of the Peerage given in every Reign; as alſo a general Liſt of the Taxes raiſed, and the Price of Proviſions, by which the Reader will be better enabled to form ſome Kind of Judgment of the Value of Money in each Reign.

Upon the Whole, nothing in the Courſe of this Work is laid down without proper Authority, which is always referred to in the Margin. The modern Spelling is followed throughout, except in ſome Inſtances, wherein the original Orthography is preſerved, merely to ſhew the different Changes of our Language in the ſeveral ſucceſſive Ages.

After all this, the Compilers thought it their Duty to ſubmit the Copy to the Examination of ſome

ſome Peers of the Realm, ſeveral Members of the Houſe of Commons, and other Gentlemen well verſed in the Laws and Conſtitutions of their Country, who were pleaſed to approve the Deſign.

By theſe Inquiries the young Nobility *and* Gentry *of this Kingdom will be better inſtructed in the* Conſtitutional *Part of it, and conſequently more enabled to ſerve their Country in* Parliament; *ſince they will ſee, at one View, all the Diſputes that have ever happened here about the* Prerogative *of the* Crown *and the* Liberty *of the* Subject.—*The Gentlemen of the* Long Robe *will meet with enough for their Speculation, and perhaps Improvement in their Profeſſion; many Parliamentary Caſes, Precedents, and Trials falling in the Series of this Work, never before printed.—And even the* Clergy *will find that a great deal of Church-Hiſtory is neceſſarily interwoven in it.*

The FIRST VOLUME *begins with the* Conqueſt; *and ends with the Depoſal of* Richard II.

The SECOND *extends from the Acceſſion of* Henry IV. *to the Death of* Henry VII.

The THIRD *begins with the Reign of* Henry VIII. *and comes down to the breaking out of the* French *War*, 5^to^ Elizabeth.

The

The FOURTH *finiſhes the Reign of* Elizabeth.

The FIFTH *begins with the Acceſſion of* James I. *and ends with the 20th Year of his Reign.*

The SIXTH, SEVENTH, *and* EIGHTH *continue the Work to the Meeting of the Parliament,* November 3, 1640, *the Proceedings whereof do begin our* NINTH *Volume.——And here we enter upon the Hiſtory of a Parliament of ſo long a Duration, and ſo plentifully ſtored with Materials on both Sides of the Queſtion, that to publiſh every Thing would ſatiate the greedieſt Appetite for Hiſtory: Many Things therefore muſt be omitted on Account of their Prolixity; and yet we will venture to affirm that nothing of Moment, on either Side the Queſtion, will be wanting to ſet forth theſe diſtracted Times in a proper Light. But where we meet with Trials, or other Matters of too great a Length, and ſuch as are printed ſingly, or in the* State-Trials, *(which are in every Body's Hands) a ſuccinct Account of them only may be thought ſufficient.*

We ſhall not trouble the Reader, or ourſelves, in giving the Sentiments of any Writer ſince the Reſtoration, *on Matters happening in thoſe Times, though the Contemporary Hiſtorians can-*

not

not be omitted, especially on Affairs purely Parliamentary: But of the Civil Wars itself, the Battles, Sieges, and other bloody Transactions of it, we shall take no further Notice than just to mention the most remarkable of them, in order to keep up a proper Connection.

THUS stood the Preface *to the* first Eight *Volumes of this History, which were published in the Year* 1751. *A bold Undertaking, to start into the World, at once, with so many Volumes; which were not wrote in a Garret, at so much a Sheet Letter-Press, but by Persons animated with a Zeal more to serve their Country than themselves; and who were not much concerned what Success their Labours would have in the World. However, it must be owned that, when they found the Public relished their Undertaking, by the quick Sale of the first Eight Volumes, they were more encouraged to proceed in the Work; which must necessarily occasion more Expence in collecting Materials for their Purpose.*

In the Year 1753 *were published* five *more Volumes of this Work; the* Preface, *or* Introduction, *to which is left standing, as it was in the first Edition, because the Observations there made*

on ſome of the principal Collectors and Contemporary Hiſtorians of the Times, there treated of, are neceſſary to be read and underſtood by thoſe who would make themſelves Maſters of the Subject. For the very ſame Reaſon the Preface *to the* Fourteenth *Volume, which came out in* 1755, *is in the ſame Situation it ſtood in at that Time. And the ſhort* Introduction *to the* Nineteenth *Volume, which appeared, with its Partner, in the Year* 1757, *is alſo left, becauſe it goes on with a Recapitulation of the chief Materials this mighty Work was built with, and the friendly Aid which aſſiſted the Compilers of it. Laſtly, in* 1760 *came out* two *more Volumes, which bring the Hiſtory down to near its deſigned Period,* 1660; *and the next Year the* Concluſive Part, *with an* Appendix *and a very copious* Index, *were publiſhed, which ends this whole Work. The* Preface *to which laſt Publication is reprinted in this Edition, by reaſon of the Matter it contains; which, to recapitulate here, would ſwell this to too great a Bulk.*

But, notwithſtanding what has been ſaid, by Way of Preface, *in the* firſt Edition *of this Work, there is an abſolute Neceſſity to ſay ſomewhat more on the Publication of this* ſecond, *to ſhew the Reader the Reaſons why the* firſt Two *Volumes*

lumes of them are so greatly altered from the former. Very soon after their Appearance in the World the late Duke of Argyle, [Archibald] *who highly approv'd of the Work, suggested one great Omission, in quoting from the printed* Abridgement of the Parliamentary Records *in the Tower, when we should have quoted the* Originals; *as the former, besides many Mistakes, are of no Authority in the House of Lords; but the latter surely are.*

The Duke offered us the Use of a Copy from the Originals, *in his noble Library, to consult before we reprinted a new Edition, which he said a Work of this Kind would certainly come to.*

His Grace's Prophecy of a second Edition *of this Work was scarce believed at that Time by the Compilers; yet his Advice was taken, though not in his own Way; the Attendance on the Duke's Library in Town being found incompatible with the Residence of the Compilers, who lived in the Country. By the Favour of another Nobleman, now in high Station, and of great Distinction, another Copy was borrowed, which proved to be the first that ever was taken from the original* Records *in the* Tower: *Of which the following Testimony, wrote in a blank Page of the preceding Volume, in Lord* Weymouth's *own Hand, is a sufficient Evidence:*

These

Theſe three-and-twenty Volumes (including the *Index*) of the *Parliament-Rolls* were tranſcribed from the *Originals*, by the Order and Direction of Mr. *Halſtead*, whilſt he was Keeper of them, and were by him carefully collated; from whoſe Widow the Lord *Thomas* Viſcount *Weymouth* purchaſed them for the Sum of One Hundred Pounds.

Note, Theſe were the firſt *original* Copies from which all others now extant, in ſeveral Hands, were tranſcribed.

The great Number of theſe Volumes, the different Hands they were wrote in, and the different Languages they were compoſed of, did not deter the Authors from entering upon, and, with much Pains and Labour, going through them. Thus are the Volumes of this Hiſtory, as far as theſe Records *go, authenticated; which is to the End of the ſhort Reign of* Richard III. *And herein we ſoon found that the Duke's Suſpicions of the Faithfulneſs of the* Abridgement *were not without juſt Reaſon; for ſuch a Number of Miſtakes, in Miſnomers, Miſconſtructions, Omiſſions,* &c. *were ſeen, as is ſcarce credible ſhould be in a Book which bears this Title,*

An

An exact *Abridgement* of the *Records* in the *Tower* of *London*, from the Reign of *Edward* II. unto King *Richard* III. of all the Parliaments holden in each King's Reign, *&c.*——Collected by Sir *Robert Cotton*, Knt. and Bart. Reviſed, rectified in ſundry Miſtakes, and ſupplied with a Preface, marginal Notes, ſeveral Omiſſions, and exact Tables, both of the great Matters, great Officers, Speakers, Nobles, and other Perſons therein contained.—By *William Prynne*, Eſq; a Bencher in *Lincoln's-Inn*.——*London* printed, 1657. Folio.

William Prynne, *Eſq; according to his uſual Cuſtom, hath beſtowed a very long-winded* Preface *to this* Abridgement of Records, *tending chiefly to put a proper Value on thoſe Abſtracts; which indeed, had they been carefully and correctly done, muſt have had their due Eſteem: But we ſay again that there are ſuch an infinite Number of* Erratas, *of all Sorts, in this Book, that when we began to correct our Copy of it, and had proceeded with that Intention ſome Way, they increaſed ſo abundantly upon us that we gave it up, leſt it ſhould fruſtrate our main Deſign. From whence we may very well judge that the voluminous Mr.* Prynne *was more deſirous of being*

being ſtiled the Author *of ſo many Books and Pamphlets as he printed and publiſhed with his Name to them* [a], *than to be correct in what he put out into the World: And from this Inſtance we may well ſuſpect that his other, and much greater Works, are done with the ſame Care and Exactneſs.*

But to conclude, for Fear of being thought as tedious in prefacing as Mr. Prynne *himſelf; the* two firſt Volumes *of this* ſecond Edition *have alſo received ſome conſiderable* Additions *and* Alterations *from the Care and Accuracy of a late worthy and learned Gentleman* [b], *who was at the Pains to collate and compare the former Reigns of our Kings, particularly that of* Edward I. *with all the old Monkiſh Hiſtorians neareſt that King's Reign; by which ſeveral Additions were made, and ſome Errors corrected. Yet all this was not done to enhance the Price of the new, or damn the old Edition, as has been but too frequently*

 practiſed

[a] We have ſeen a Liſt of more than fifty printed Books and Pamphlets with his Name to them, or known to be his.

[b] The late *Robert Hoblyn*, Eſq; of *Nanſwiddyng*, in *Cornwall*, and Member in a former Parliament for the City of *Briſtol*. A Gentleman to whoſe Candour and Knowledge, eſpecially in *Engliſh* Hiſtory, the Compilers of this Work owed great Obligations.

practiſed by ſome great Authors our Predeceſſors. To obviate this Imputation, Care has been taken to print as many ſupernumerary Volumes as will ſerve to exchange with thoſe who have bought the firſt; and public Advertiſement will be made of it, that Gentlemen may ſend their firſt two Volumes, of the former Edition, and have the new delivered to them.

☞ The Folios of the old Edition are printed within Crotchets in the Margin of the new, which ſerves the *Index*.—In two or three Sheets at the End of the Second Volume ſome of the Pages of the *old Edition* are tranſpoſed in the *new*.

THE

Parliamentary Hiſtory

OF

ENGLAND.

PARLIAMENTS are, without all Doubt, of very antient Extraction; but to fix the Time of their Beginning, in this Kingdom, is a Matter attended with ſo many Difficulties, that it may be called Folly or Madneſs in any Writer to attempt it. Nevertheleſs, we take it to be neceſſary to ſay ſomewhat relating to this intricate Subject; though what we ſhall write, as it will not be very pleaſing to ourſelves, ſo we cannot apprehend that it will give much Satisfaction to our Readers. Of the Origin and Name of PARLIAMENTS.

The very Word PARLIAMENT, or rather *Parlement*, is, in its Derivation, as perplexing as the former; and the very beſt Etymologiſts differ ſtrangely in their Opinions about it. We ſhall not endeavour to amuſe our Readers with their various Conjectures; who will, may conſult *Franciſcus Junius*, *Skinner*, *Gouldman*, and others, who have publiſhed large Dictionaries in that Science;

to us it ſeems that the Word is certainly of *French* or *Norman* Extraction [a]; and by this we may be led to ſuppoſe that the Origin of theſe Aſſemblies, in this Iſland, is owing to the antient Cuſtoms in *France*, ſome Centuries before our Conqueſt [b]. And we are not to imagine, becauſe the Monkiſh Writers, ſoon after that Period, always called theſe Meetings *Parliamenta*, which happened in the Times of the *Saxons* before them, that they were ſo denominated by thoſe People, but had this Name from the *Normans* their Succeſſors.

In all Nations of the World hitherto known, and in all Ages, the Laws they were governed by were firſt made by the Advice and Conſent of theſe general Aſſemblies, and then promulgated to the whole Community. And if the *Jewiſh* Sanhedrim, the *Grecian* and *Roman* Senates, the *Druid* and *Gauliſh* Aſſemblies, and particularly our own *Saxon Gemots*, *Witten Gemots*, or *Folkmotes*, bore any Alluſion to our preſent Parliaments, the Source of them runs very high indeed. Mr. *Prynne*, in his *Sovereign Power of Parliaments*, tells us, 'That it is apparent from all Precedents before the Conqueſt, that our priſtine Synods and Councils were nothing elſe but Parliaments; that our Kings, Nobles, Senators, Wiſemen, Knights, and Commons (we cannot help obſerving that he omits Biſhops, though they were moſt certainly a Part of the Conſtitution as antient as any) were uſually preſent, and voted in them as Members and Judges. Mr. *Camden*, Sir *Henry Spelman*, with other Writers, alſo go a great Way to prove the Commons to have borne a Part in Parliament in the Times of the *Saxons*; but they do not ſay that they were called by that Name, or elected as Knights, Citizens, and Burgeſſes were in After-Times.

The Laws of *Ina*, our *Weſt-Saxon* King, which were made and publiſhed about the Year 720, are there ſaid to

[a] It ſeems to be derived from the *Franco-Gaulic* Verb *parler*, to ſpeak or debate; ſo *Parliament*, a Speaking or Debating. This antient Name ſufficiently denotes the Freedom of Speech ſo abſolutely neceſſary in theſe Grand Councils or Aſſemblies. My Lord *Coke* tells us, That *Parliament* is derived from *Parler le Ment*, *i. e.* from ſpeaking the Mind. He might as well tell us, ſays *Rymer*, that *Firmament* is *Firma Mentis*, that is, a Farm for the Mind; or *Fundament*, the Bottom of the Mind. *Rymer*'s *Antiquity, &c. of Parliaments*. London, 12mo, 1714.

[b] Suppoſed to have been uſed in *France* before the Time of *Charlemagne*, in the ſeventh Century. See a late Account of the antient Parliaments of *France*, by *Charles Forman*, Eſq; *London*, 2 Vols. 8vo, 1739.

to be done by the Advice and Consent of all his Aldermen and Senior Wisemen of his Kingdom; besides a great Number of the Clergy met together on that Occasion. The same is mentioned at the End of the Laws of King *Athelstan*, as well as those of King *Ethelred*, his Successor [c]. But who these Wisemen were, whether Lords or Commons, or both together, we are not able to determine. The Chronicle of *John Brompton* mentions a great Council, or Assembly, to be held at *Salisbury* in the Days of King *Edgar*, about the Year 970, of all the Nobles in the Kingdom [d]; and another at *Oxford*, by King *Canute* the *Dane*, in the Year 1030. These are all, or the greatest, Testimonies that can be produced of Councils, or Parliaments, being called, by our *Saxon* or *Danish* Kings, to make Laws before the Conquest [e]. [3]

The Writers in Favour of Monarchy, such as Sir *R. Filmer*, Dr. *Brady*, Dr. *Johnston*, and others, deny that the Commons had any Place or Power in these Assemblies untill long after that Period. They say, indeed, that the *Saxon* Kings used to convene the Nobles and

 Bishops

c Leges INÆ Regis *West-Saxonum*. Circa An. 720.

Ego Ina, *Dei Gratia*, West-Saxonum *Rex*, *Exhortatione et Doctrina* Conredis *Patris mei*, *et* Heddæ *Episcopi mei*, *et* Herchonwaldi *Episcopi mei*, *et omnium Aldermannorum meorum*, *et Seniorum Sapientium Regni mei*, *multaque Congregatione Servorum Dei*, *&c.* *Chron.* Johan. Brompton *inter* Decem Script. *Col.* 761.

Ad Finem Legum ATHELSTANI Regis. Circa An. 930.

XXXIV. Sax. 25. *Totum hoc institutum est et confirmatum in Magno Synodo apud* Greateleyam, *cui Archiepiscopus* Wulfius *interfuit*, *et omnes Optimates et Sapientes quos* Adelstanus *Rex potuit congregare*. *Ex eodem*, *Col.* 845.

Leges ÆTHELREDI Regis. Circa An. 1000.

Hoc est Consilium quod Æthelredus *Rex et Sapientes sui condixerunt*, *&c.* *Col.* 893.

Hæ sunt Leges quas Æthelredus *Rex et Sapientes sui constituerunt*. *Col.* 895.

Hæc sunt Verba Pacis et Prolocutiones, *quas* Æthelredus *Rex*, *et omnes Sapientes ejus*, *cum Exercitu firmaverunt*, *&c.* *Col.* 899.

Vide Lambard *de Priscis* Anglorum *Legibus*. Cantabrigiæ *A.* 1644.

d The Words are, *Cunctis Regni Proceribus congregatis*. And, *Post hæc apud* Oxoniam *Parliamentum tenuit*, (*scil.* Canutus) *ubi* Angli *simul et* Dani *de Legibus* Edgaris *Regis observandis Concordes facti sunt*. *Chron.* Johan. Brompton *inter* Decem Script. *Col.* 866, 908.

e *Polydore Virgil* says, That Parliaments are of *French* or *Norman* Extraction; his Words are, *More* Gallico, *vulgo* Parliamentum *appellant*, *quod unusquisque Rex*, *Initio sui Regni*, *habere solet*, *ut ibi si quid ex antiquis Constitutis*, *Legibusve*, *tollendum*, *ac rursus condendum sit*, *id de Consilii Sententia fiat*; *qui*, *et deinde quoties Res postulat*, *suo Arbitratu illud ipsum convocat*. Lib. xi. p. 188.

Biſhops of the Realm, to conſult with them how to defend themſelves in Caſe of an Invaſion, to levy Taxes, or to promulgate ſome new Laws amongſt the People,
[4] or to be Witneſſes to public Charters. This laſt is evident from ſeveral *Saxon* Charters, copied and preſerved by Hiſtorians, as well as ſome Originals ſtill extant amongſt us; wherein, beſides the King, the Nobility and Biſhops, to a conſiderable Number, ſign'd with him. But then theſe Authors aſſert, that the whole Body of the Commons were in an entire Vaſſalage to the Nobility and Clergy at that Time, and long after, and had nothing they could call their own, no, not ſo much as their Lives.

That this was the Caſe of the Commons 'till ſome Time after the Conqueſt, appears pretty plain; but with the Lords it was otherwiſe, for Sir *Henry Spelman* tells us in his *Gloſſary*, that, beſides what has been ſaid of their Conventions, in the Times of the *Saxon* Kings, *William* I. compoſed his Great Aſſembly, or *Magnum Conſilium* of the Nation, from thoſe Tenants that held of him *in Capite*; and that Parliamentary Barons were created by the King's Writ, out of thoſe of good Poſſeſſions; whereby *William* reſerved to himſelf a Tenure in Chief by Knight's Service. Theſe Judges were at that Time the ſupreme Judicature; but the Original of the Houſe of Peers, as to its tranſcendent Power, does not ſeem plainly to appear till the Reign of *Henry* III. when ſpecial Writs of Summons were ſent out to the Nobility diſtinctly by themſelves.

But at what Time the Commons became a Branch of the Legiſlature is much more uncertain. Many will have it that they were not admitted as a Part of Parliament untill the 49th of *Henry* III. for which this Reaſon is aſſigned, That the firſt Writ of Summons of any Knights, Citizens, and Burgeſſes, now extant, is of no antienter Date than that Time.

This is again ſeemingly contradicted by *Magna Charta*, or the Great Charter granted in the 17th Year of King *John*: For by this it appears that it was made *per Regem, Barones, et* LIBEROS HOMINES *totius Regni*; by which it ſeems plain, that it was not made by the King and Barons only. And Mr. *Selden*[f] ſays, That the Borough of *St. Alban's* claimed by Preſcription, in the Par-

[f] *Selden's Titles of Honour*, p. 709.

Parliament of the 8th of *Edward* II. to ſend two Burgeſſes to all Parliaments, as they did in the Time of *Edward* I. and his Progenitors; which muſt be in the Time of King *John*, his Grandfather, and conſequently before the Reign of *Henry* III.

Polydore Vergil, *Hollingſhead*, *Speed*, *&c.* ſay, That the Commons were firſt ſummoned to a Parliament at *Saliſbury*, in the 16th of *Henry* I. Sir *Walter Raleigh*, in his Treatiſe of the Prerogatives of Parliaments, thinks it was in the 18th of *Henry* I. Lord *Bacon*, in a Letter to the Duke of *Buckingham*, aſks, Where were the Commons before *Henry* I? which plainly implies his Opinion that there was a Houſe of Commons at that Time at leaſt. And Dr. *Heylin* finds yet another Beginning for them, which was in the Reign of *Henry* II.

Such and ſo various are the Opinions of learned Men on this Subject: It is not to the Purpoſe to purſue them any further, and we ſhall content ourſelves in ſaying, That whenever the Commons were taken in as one Branch of the Legiſlature, it was a Glorious Addition to the others; was a great Bulwark to the Liberties of the Subject, and, altogether, as the general Aſſent of the the King and Realm to make Laws and Ordinances; was juſtly called, by antient Writers,

Commune Conſilium, *Magnum Conſilium*, *Placitum generale*, *Curia altiſſima*, *et Parliamentum generale ſeu altiſſimum.*

The Power and Authority of Parliaments in making of Laws, in proceeding by Bill, or otherways, is ſo well known, ſo often treated on by others, and will ſo evidently appear in the Courſe of this Hiſtory, that it is needleſs to ſay more of it in this Place.

But it will not be amiſs, before we enter upon our Hiſtorical Facts, under the ſeveral Reigns, to premiſe ſomewhat relating to the original Creation of the Peers that compoſe the Upper Houſe of Parliament, under their ſeveral Titles; eſpecially as that Houſe muſt be allowed to be ſuperior to the other, both in Antiquity and Honour.

All the Degrees of Nobility and Honour are derived from the King as the Fountain of Honour. The King's eldeſt Son is born Duke of *Cornwall*, afterwards he is created Prince of *Wales*; and, to diſtinguiſh him, in the Middle of the Arch of his Coronet a Ball and Croſs are placed,

placed, as in the Royal Diadem. The Title of Prince of *Wales* was originally granted by *Edward* I. after his Conqueſt of that Principality, and all his Titles are, Prince of *Wales*, Duke of *Cornwall*, and Earl of *Cheſter*.

The firſt Duke we had in *England* was *Edward* the Black Prince, ſo famous in our Hiſtories for his heroic Actions, who was created a Duke in the 11th Year of King *Edward* III.

Robert de Vere, Earl of *Oxford*, was created Marquis of *Dublin* in *Ireland*, in the 8th Year of King *Richard* II. and was the firſt Marquis.

Hugh Lupus was made hereditary Earl of *Cheſter* by *William* the Conqueror.

John Beaumont was created Lord Viſcount *Beaumont* by King *Henry* VI. in the 18th Year of his Reign, and was the firſt Viſcount. And

John Beauchamp, of *Holt*, was the firſt Baron created by Patent in *England*, made the 11th of *Richard* II.

But, in the antient Records, the Word *Baron* included all the Nobility of *England*; becauſe, regularly, all Noblemen were Barons, though they had higher Titles beſides. The Charter of King *Edward* I. which is an Expoſition of what relates to Barons in *Magna Charta*, concludes, *Teſtibus Archiepiſcopis, Epiſcopis, Baronibus, &c.* So that the great Council of the Nobility, when they conſiſted, altogether, of Dukes, Marqueſſes, *&c.* beſides Earls and Barons, were all comprehended under the Name *De la Councell de Baronage*.

But, after all, a Baron holding Land of the King, to him and his Heirs *per Servitium Baroniæ*, is no Lord of Parliament, untill he be called by the King's Writ to Parliament. In the Reign of *Edward* I. the Title of Baron, which was before common to all thoſe that held Lands of the Crown, was confined to all thoſe whom the King ſummoned to Parliament. Theſe Barons had then given them two Enſigns to remind them of their Duties; firſt a long Robe of Scarlet, in reſpect [7] whereof they are accounted in Law *De magno Conſilio Regis*; and, ſecondly, are girt with a Sword, that they ſhould ever be ready to defend their King and Country [g]. This alſo appears by *Dugdale*'s Baronage, in which there are ſeveral Inſtances of Lords being called to Parliament,

[g] *Coke*'s 3 *Inſt.* p. 186.

liament, where they and their Anceſtors never ſat before, nor any of their Poſterity after them [h].

Proxies for the Biſhops and Barons in the Houſe of Peers are alſo very antient. The firſt Mention of them, that occurs in our Parliamentary Memoirs, was at *Carliſle*, under *Edward* I. [i] Alſo, in a Parliament held at *Weſtminſter* under *Edward* II. the Biſhops of *Durham* and *Carliſle*, remaining upon the Defence of the Marches of *Scotland*, were ſeverally commanded to ſtay there; and in the Writ a Clauſe was inſerted for that Purpoſe [k]. The like Teſtimonies occur pretty often in this King's Reign, of making Proxies by the Name of *Procuratores Sufficientes*; and in ſucceeding Times the Teſtimonies of them down to this Day are very frequent.

In relation to the more antient Acts, Ordinances, Journals, *&c.* of the two Houſes of Parliament, much more might be ſaid than is conſiſtent with the Subſtance of this Preamble to our Hiſtory. Who will may read them admirably and conciſely diſcourſed on in Archbiſhop *Nicholſon*'s *Engliſh* Hiſtorical Library; which Book, as it is almoſt in every Collection, it is needleſs to tranſcribe any Thing from it here. That Author has given us a general Detail of all our Parliamentary Proceedings from *Magna Charta*, through the printed Statutes, the Rolls [8]

[h] The Form of the King's Writ for ſummoning a Peer to attend his Service in Parliament, is as follows:

Edwardus, *&c. Chariſſimo Conſanguineo ſuo* C. *Comit.* A. *Salutem. Quia de adviſamento & aſſenſu Conſilii noſtri pro quibuſdam arduis urgentibus negotiis, Nos, Statum & Defenſionem Regni noſtri* Angliæ *&* Eccleſiæ Anglicanæ *concernent' quoddam Parliamentum noſtrum apud Civitatem noſtram* Weſtmonaſterii, *die, &c. prox. futur' teneri ordinavimus, & ibid. vobiſcum ac cum Prælatis, Magnatibus & Proceribus dict' Regni noſtri colloquium habere, tractare, Vobis ſub fide & ligeanciis quibus nobis tenemini firmiter injungend' Mandamus, quod, conſiderat' dictorum negotiorum arduitate & periculis imminentibus, ceſſante excuſatione quacunque, dict' die & loco perſonaliter interſitis Nobiſcum, ac cum Prælatis Magnatibus & Proceribus prædictis ſuper dictis negotiis tractatur' veſtrumque conſilium impenſur'. Et hoc ſicut Nos & honorem noſtrum ac Salvationem & Defenſionem Regni & Eccleſiæ prædictorum expeditionemque dictorum negotiorum diligitis, nullatenus omittatis. Teſte meipſo apud* Weſtmonaſterium *die, &c.*

[i] *Quia omnes Prælati, Milites, et alii de Communitate Regni tunc plenarie non venerunt, receptis quibuſdam* Procurationibus *Prælatorum qui venire non poterant, adjornantur omnes qui ſummoniti ſunt ad* Parliamentum, *uſque ad Diem Mercurii proximum ſequentem, ad Horam primam.*

[k] *Sed* Procuratorem *veſtrum ſufficientem inſtructum ad dictos Diem et Locum mittatis, ad conſentiendum ei quod tunc ibidem per dictos Prælatos et Proceres contigerit ordinari.* Selden's *Baronage of* England, *&c.* 8vo.—Lond. 1642.

Rolls of Parliament, Ordinances, Journals, with the *Modus tenendi Parliamenta*; the Antiquity and Rights of both the Houſe of Lords and Commons, the diſpenſing Power of the King, and Writs of Summons; wherein he ſpecifies where all the Records relating to theſe Matters lie, as well as gives an Account of what the beſt Authors have wrote on theſe often-diſputed Subjects, betwixt the Prerogative of the Crown and the Power of Parliaments.

Let this *Exordium*, therefore, ſuffice for the Origin, the Power, and Name of PARLIAMENT; we ſhall proceed now to our HISTORY of them; in which we hope to be ſo exact, that no material Circumſtance, mentioned either by antient or modern Hiſtorians, ſhall eſcape our Notice. And tho' theſe general Meetings of the King with his Biſhops and Barons, both before and ſoon after the Conqueſt, were by no Means like our preſent Parliaments; yet we judge it very conſiſtent with the Tenor of our Subject, to purſue our Account of them whenever ſuch Evidences can be found that may be depended upon, but in as conciſe a Manner as poſſible.

King William I.

Anno Regni 6. 1702. At *Windſor*.

IN the Reign of the three firſt *Norman* Kings we meet with little to our Purpoſe. *William* I. indeed, at the Inſtigation of the Pope, ſummoned a National Synod to determine the Diſpute betwixt the Sees of *Canterbury* and *York*, about Supremacy. As this was intirely an Eccleſiaſtical Controverſy, it does not appear that this Meeting, which was before the King and *Hubert*, the Pope's Legate, at *Windſor*, conſiſted of more than the Prelates, Abbots, and other Eccleſiaſtics of the Realm [1].

In

[1] Sir *Henry Spelman* has made a Collection of the Laws before *Magna Charta*; the MS. now in the *Bodleyan* Library, bears this Title, *Codex Legum veterum et Statutorum Regni* Angliæ, *quæ ab Ingreſſu* Willielmi *uſq; ad Annum nonum* Henrici *tertii edita ſunt; hoc eſt ante primum Statutum omnium impreſſorum in Libris Juridicis.* Mr. *Selden* and Sir *Roger Twiſden* have alſo treated on this Subject. And, indeed, if the old Chronicle of *Litchfield*, quoted by Mr. *Selden*, was confirmed by any Contemporary Hiſtorians, there is Reaſon enough to believe theſe Laws to be genuine.—But, as it is not, we ſhall only give Biſhop *Nicholſon*'s Quotation from that Chronicle, and leave it to the Reader's Judgment. *Anno* Gulielmus *Regni ſui quarto apud* Londonias, *Conſilio Baronum ſuorum, fecit ſummoniri per univerſos* Angliæ *Comitatus omnes Nobiles, Sapientes, et ſua Lege eruditos, ut eorum Leges et Conſuetudines audiret. Et licet idem Rex* Gulielmus *Leges*

In the Reign of *Henry* I. the Conqueror's youngeſt Son, Taxes were levied arbitrarily on the Subject, as in the two preceding Reigns of his Brother *Rufus* and his Father. In his ſixth Year he ſet a Sum upon every Pariſh Church, and forced the Incumbent to pay the Money to redeem his Church. In the eighth Year of his Reign he had, for the Marriage of his Daughter *Maud*, 3 *s.* for every Hide of Land: And, ſay Hiſtorians, during his whole Reign he levied a conſtant annual Tax of 12 *d.* on every Hide of Land. It does not appear, by any Account we can meet with, that the King aſked the Conſent of his Barons, or People, for raiſing theſe Subſidies, tho' there were ſome Conventions of the Eſtates of the Realm called in his Time: For in the Year 1106, ſays *Matthew Paris*, *Henry* convened his Nobles, by a ſpecial Edict, on a very extraordinary Occaſion. His elder Brother *Robert*, whom he had diſpoſſeſſed of his Right of Succeſſion to the *Engliſh* Crown, came over from *Normandy* to make him a friendly Viſit. *Henry*, being jealous that this Viſit might turn to his Diſadvantage, and being more afraid, ſays our Author, of Man than God, cajoled his Nobles, by crafty Promiſes, to be true to him; and next thought that he could make up the Matter with God by the building of an Abbey, which he was then about to execute. For this Reaſon he called together the Great Men of the Realm by his Royal Mandate, ſays *Paris* [m], to meet at *London*; where he firſt ſoftened and ſweetened them, ſeparately, by ſmooth Words and Expreſſions, and then, being met together, he made a Speech to them as follows: Which Speech, as it is the firſt that came from the Throne, only preſerved by *Matthew Paris*, and taken Notice of by very few Hiſtorians, either antient or modern, that we have met with, juſtly claims a Place in our Hiſtory.

King *Henry* I.

Anno Regni 6. 1106.

At *London*.

[10]

My

Leges Norfolkiæ *et* Suffolkiæ, Grantbrigiæ *et* Deiræ *(ubi quondam maxima Pars* Danorum *et* Norwegienſium *inhabitabant) prius magis approbaverat, et eas per totum Regnum obſervari præceperat, pro eo quod omnes Anteceſſores ejus, et fere omnes Barones* Normanniæ, Norwegienſes *extitiſſent, et quod de* Norwegia *olim veniſſent; poſtea ad Preces* COMMUNITATIS Anglorum, *Rex adquievit; qui deprecati ſunt quatenus permitteret ſibi Leges proprias et Conſuetudines antiquas habere, in quibus vixerant Patres eorum, et ipſi in eis nati et nutriti ſunt, ſcilicet Leges Sancti Regis* Edwardi Confeſſoris, *&c.*

See alſo Sir *Roger Twiſden*'s Preface to the Laws of *William* I. and *Henry* I. publiſhed at the End of *Lambard de priſcis* Anglorum *Legibus*. —— Cantab. 1644.

[m] *Regio Edicto convocatis.* M. Paris, *ſub hoc Anno.*

King *Henry* I. My Friends and faithful Subjects, both Foreigners and Natives,

His Speech. *YOU all know very well that my Brother* Robert *was both called by God and elected King of* Jerusalem, *which he might have happily governed; and how shamefully he refused that Rule, for which he justly deserves God's Anger and Reproof. You know also, in many other Instances, his Pride and Brutality. Because he is a Man that delights in War and Bloodshed, he is impatient of Peace; I know that he thinks you a Parcel of contemptible Fellows; he calls you a Set of Drunkards and Gluttons, whom he hopes to tread under his Feet. I, truly a King, meek, humble, and peaceable, will preserve and cherish you in your antient Liberties, which I have formerly sworn to perform; will hearken to your wise Counsels with Patience; and will govern you, justly, after the Example of the best of Princes. If you desire it, I will strengthen this Promise with a written Charter; and all those Laws which the Holy King* Edward, *by the Inspiration of God, so wisely enacted, I will again swear to keep inviolably. If you, my Brethren, will stand by me faithfully, we shall easily repulse the strongest Efforts the cruellest Enemy can make against me and these Kingdoms. If I am only supported by the Valour and Power of the* English *Nation, all the weak Threats of the* Normans *will no longer seem formidable unto me.*

We have given, from the old Monk of *St. Alban's Latin*, the Version of this Speech as near as we could, though the obsolete Words he often makes use of are difficult enough to render. *Matthew* adds, That this
[11] Harangue of *Henry* to his Nobles had the desired Effect, though he afterwards broke all his fair Promises to them; Duke *Robert* went back much disgusted, whom his Brother soon after followed, gained a Victory over him, took the Duke Prisoner, put out his Eyes, and condemned him to perpetual Imprisonment.

Anno Regni 7. 1107. The Year after this, *viz.* 1107, the same King *Henry* call'd another Convention of all the Estates of the Realm to sit in his Royal Palace at *London*. This Convention some modern Historians have honoured with the Name of *Parliament*, and would prove that the Commons were

At *London*.

a

a Part of it. We know not where they find Authority for such an Assertion; the old Monkish Writers [n], who lived near this Time, call it no more than a Meeting of all the Bishops, Abbots, and Nobles of the Kingdom, to whom *Anselm*, Archbishop of *Canterbury*, was Prolocutor. King *Henry* I.

Indeed this Meeting might much rather be called a Convocation than a Parliament, since nothing, that we can find, but Church-Matters, were transacted in it. In this Assembly the prohibiting the Priests the Use of their Wives and Concubines was considered; and the Bishops and Clergy granted to the King the Correction of them for that Offence; by which Means he raised vast Sums of Money, compounding with the Priests, for certain annual Payments, to allow them the Enjoyment of their Wives and Concubines [o].

In the Year 1116 there was another Convention of the Nobles and Barons summoned by the King to meet at *Salisbury* [p]. At this Meeting the whole Nobility did Homage to him and to Prince *William*, King *Henry*'s eldest Son, in the Presence of the Father [q]. The Dispute betwixt the Archbishops of *Canterbury* and *York*, about Primacy, was also debated at this Convention, which was all the Business that we can find was done at it. Anno Regni 16. 1116. At *Salisbury*. [12]

This Meeting also some of our more modern Historians [r] have called the Foundation of our High Court of Parliament. The *English* Kings, say they, before this Time, ordered the Affairs of the Commonwealth by their Edicts, Officers, and Governors of every Country, and seldom had the Advice of the People, but only at the Beginning of their Government, or in the Time of War.

[n] *Eodem Anno factus est Conventus Episcoporum et Abbatum pariter et Magnatum* Londoniis *in Palatio Regis.* M. Paris. *sub hoc Anno.*

Conventus omnium Episcoporum, Abbatum, et Procerum. Simeon Dunelm. *inter* Decem Script. *Hist.* Angl.

[o] *Accepit enim Rex Pecuniam infinitam de Presbyteris pro suis* Focariis *redimendis.* M. Paris.

Focaria is rendered either a House Concubine, or a Female Drudge, a Dishwasher, *&c.*

[p] *Conventio Optimatum et Baronum totius* Angliæ. Simeon Dunelm. *inter* Decem Script.

[q] *Ubi, Jussu Regis, Comites et Barones, cum Clero totius Regni, sibi et* Willielmo *Filio suo Homagium fecerunt. Chron.* Johan. Brompton *inter* Decem Script.

[r] *Hollingshead, Speed, Stow, &c.*

King *Henry* I. War. We believe it will be hard to prove that this Meeting was any Model of our preſent Parliaments, there being no Similitude of them in any Shape whatever.

Under this King the People of *England* began to recover again and grow wealthy, as the King did likewiſe: For it was in his Time that the Revenue, ariſing from Crown Lands, was adjuſted and fixed to a certain Rate, ſo that it might be either paid in Money or Proviſions. And this ſhews that as the People in general began to grow rich; ſo the King, by attending his Affairs at home, as well as thoſe abroad, grew rich too; inſomuch that, at the Time of his Demiſe, he actually left in his Coffers the Sum of 100,000*l.* beſides Plate and Jewels. A Sum that would amount to near ten Times the Value in our Times [s].

King *Stephen*. In the turbulent Years of King *Stephen*'s Reign, and during the bloody Conteſts betwixt him and *Maud* the Empreſs, for the Crown of *England*, very little can be expected to our Purpoſe. There were no regular Taxations at this Time; but the contending Parties maintained themſelves chiefly by the Plunder of each other's Tenants. Nevertheleſs we meet with one Convention of the Eſtates in this Reign, and that was in the very

Anno Regni 1. 1136. firſt Year of it; for *Stephen*, anxious to have his Title confirm'd by their Authorities, ſummon'd all the Biſhops

At *Oxford*. and Nobles of the Realm, by his Royal Edict, to meet at *Oxford* for that Purpoſe [t]. At this Meeting *Stephen* ſigned and gave a moſt extenſive Charter, wherein the Rights and Immunities of Holy Church were largely and principally ſecured to the Clergy of all Degrees and Denominations. At the Tail of this Charter *Stephen* alſo promiſes to puniſh or remove the High Sheriffs, or any other of his Officers, that ſhall uſe any unjuſt or illegal Exactions on the People; and that he will well and truly keep all the good old Laws and Cuſtoms in all Caſes whatſoever. The Barons and other Great Men, beſides the Biſhops, who were Witneſſes to this Charter, and conſequently preſent at this Convention, were

[13] *Roger* the Chancellor, *Henry* the King's Nephew, *Robert* Earl of *Glouceſter*, *William* Earl *Warren*, *Ralph* Earl

[s] *Campbell*'s *Lives of Admirals*, &c. 2d Edit. Vol. I. p. 127.

[t] *Epiſcopos et Proceres ſui Regni, Regali Edicto, in unum convenire præcepit.* Ric. *Prior* Hagulſt. *inter* Decem Script.

Earl of *Chester*, *Roger* Earl of *Warwick*, *Robert de Vere*, *Miles de Gloucester*, *Robert D'Oily*, *Brian* Son to the Earl *Constable*, *William Martel*, *Hugh Bygot*, *Humphrey de Bohun*, *Simon de Bellocampo*, Sewer, *William de Albany*, *Martel de Albany*, Butlers, *Robert de Ferrers*, *William Peverel*, *Simon de Silvanecti*, *William de Albania*, *Hugh de S. Clare*, *Ilbert de Lacy*; dated at *Oxford* in the Year of Christ M.C.XXXVI. but the first of his Reign. *Richard*, the Prior of *Hexham*, from whom we now quote, and who has best preserved the Annals and Acts of this King, has given us this Charter; the Preamble to which, as it evidently shews the Title by which *Stephen* claimed the Crown, may be acceptable to the Reader. It is as follows: King *Stephen*.

I Stephen, *by the Grace of God, the Consent of the Clergy and People, being elected King over* England, *and consecrated by* William *Archbishop of* Canterbury, *Legate of the Holy* Roman *Church, confirmed by* Innocent, *Pontiff of the same See, for the Respect and Love I bear to God, do declare Holy Church to be free, and do confirm all due Reverence unto it*, &c.

In the Year 1152, when *Stephen* had been abroad and settled his foreign Affairs, he thought proper, at his Return, to endeavour to secure and establish the Crown of *England* upon himself and Family; and to that Purpose called a general Council to *London*; that is to say, *Theobald*, the Archbishop of *Canterbury*, the Bishops, and Great Men of *England*[u]. He proposed to them the Coronation of his Son *Eustace*, that, says our Author, he might deprive Duke *Henry*, Son to the Empress *Maud*, of his Right of Succession; and particularly required the Archbishop, to whose antient Right it belonged to consecrate Kings, to perform that Office upon his Son. The Prelate boldly answer'd, That the Pope, by his Letters, had forbidden him to crown or anoint his Son, because he himself, contrary to his Oath, had usurp'd the Kingdom. The King, his Son, and all that favoured them, were terribly angry at this Repulse, and shut up all the Bishops with their Primate in one House, that, by Threats and Terrors, they might extort that which, adds Anno Regni 17. 1152. At *London*. [14]

[u] *Archiepiscopo, Episcopis quoque, et Proceribus Angliæ. Chron.* Gervas. Cant, *inter* Decem Script.

King *Stephen.* adds our Authority, neither by Price nor Prayer, they could prevail in. Some of the Biſhops were intimidated and began to ſtagger, which the Primate perceiving, found Means to make his Eſcape out of the Houſe, and, getting over the *Thames* in a Boat, fled to *Dover*, and ſo beyond Sea. For his Reſolution in this Affair, and Flight, the King ſeized upon and ſpoiled all his Lands and Poſſeſſions [t]: But *Stephen*'s Circumſtances being then in no ſuch Plight as to warrant thoſe Proceedings, he was ſoon obliged to recall the Archbiſhop, and make him Satisfaction for his Depredations. *Stephen* died ſoon after, and was ſucceeded by

King *Henry* II. *Henry* II. who began his Reign in the Year 1154. He was the Son of *Maud* the Empreſs, Daughter to *Henry* I. by *Maud* Daughter of *Margaret* Queen of *Scotland*. In this Prince the antient Royal *Saxon* Line was reſtored to the Crown of *England*.

Anno Regni 2. 1156. This King ſummoned a General Aſſembly [u], or, as ſome will have it, a Parliament, in the ſecond Year of his Reign, to meet at *Wallingford*; wherein the Biſhops and Barons ſwore to the Succeſſion of his Sons *William* and *Henry*, and the King confirmed the Charter of the Realm. But,

At *Wallingford.*

Anno Regni 10. 1164. In the Year 1164, the ſame King *Henry* called together a much greater Aſſembly, and which comes the neareſt a Parliament of any Thing we have yet met with.

At *Clarendon.* This Convention of the Eſtates was held at *Clarendon*, and conſiſted, as *Paris* writes, of the [w] Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and Nobles of the Realm; over whom, by the King's Command, *John de Oxford*, his Chaplain, was made Preſident. In this Aſſembly the King carried it with a very high Hand againſt the Prelates and Holy Church, ſay the Monkiſh Writers, and even forced *Thomas à Becket*, Archbiſhop of *Canterbury*, with the reſt of them preſent, to ſwear to ſixteen Articles drawn up for that Purpoſe. Theſe Articles are at large in *Mat. Paris*, *Gervaſe* of *Canterbury*, and

[t] *Mat. Paris* ſays that ſome of the Temporal Lords did ſwear Allegiance to *Euſtace.*

[u] *Conventus generalis Præſulum et Principum. Chron.* Gervaſ. Cant. *inter* Decem Script.

[w] *Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Proceribus Regni.* Mat. Paris.

and other old Writers, called *The Conſtitutions of Clarendon*, but have been ſo often copied by the Moderns, that it is needleſs to inſert them here. *Thomas* travelled to *Rome*, and was abſolved from his Oath by the Pope; returned back to *England*, and afterwards bred that Diſturbance in the State which ended in his own Murder, and the King's ſhameful Penance for having a Hand in it. King *Henry* II.

There was alſo another Convention, or Aſſembly, of the Biſhops and Barons, called to *York* in this King's Reign, *viz.* *Anno* 1171; in which *Malcholm* King of *Scotland*, and his Succeſſor *William*, appeared and did Homage to *Henry* for that Kingdom. In this Meeting this Subjection is ſaid to be very particular; *William* leaving his Breaſt-Plate, Sword, and Saddle, which were to be kept in the Cathedral Church of *York* as a perpetual Memorial of it [x]. Anno Regni 17. 1171. At *York*.

In the Year 1176 this King *Henry* at *Northampton*, by and with the Advice and Conſent of the King his Son, whom he had cauſed to be crowned ſome Time before, the Biſhops, Earls, Barons, Knights, and others [y], conſtituted and appointed Juſticiaries, in ſix different Parts of the Realm, three in each Diviſion; who were ſworn to execute Juſtice impartially to every one. Anno Regni 22. 1176. At *Northampton*.

Theſe Juſtices and their ſeveral Diſtricts are particularly named by *Roger Hoveden*, but are not conſiſtent with our Deſign to mention here. Sufficient it is to ſay that the Aſſizes, Statutes, or Laws of this King *Henry*, made ſome Time before at *Clarendon*, were again renewed at this Convention, and the new-made Juſtices were ſworn to obſerve them.

Again, in the Year 1186, another Convention of the Eſtates was called to meet at *Gayntington* [z], and by their Conſent he impoſes the ſame Tax upon his Subjects in *England* which he had juſt then levied in *Normandy*, and the reſt of his foreign Dominions. This was impoſed in order to carry on a War, jointly with the King of *France*, againſt the *Turks* and *Saracens*, for the Recovery of the Holy Land: But the Undertaking failed in Embryo; Anno Regni 32. 1186. At *Gayntington*.

[16]

x H. Knyghton *inter* Decem Script.

y *Coram Epiſcopis, Comitibus, Baronibus, Militibus et aliis Hominibus ſuis.* Rad. de Diceto *inter* Decem Script. *R. Hoveden.* *Daniel's Hiſtory of England.*

z Since call'd *Gayton*, in *Northamptonſhire*.

King *Henry* II. bryo; and soon after, *viz.* the very next Year, King *Henry* II. died.

Taxes seem to have been raised in this King's Reign as arbitrarily as before; in the Beginning of it there was a Scutage, but there is no Account what it amounted to. A second Scutage was made in the fifth Year of his Reign, amounting to 180,000*l.* In his seventh Year a third Scutage was raised at two Marks every Knight's Fee; in the 12th, 2*s.* in the Pound for the first Year, and 1*d.* a Pound for four Years after, of all Rents and Moveables; in the 14th of his Reign, a fourth Scutage at a Mark a Knight's Fee; in the 18th, a fifth Scutage, uncertain what it was; in the last Year of this King's Reign, a Tenth on all Moveables for the Crusade[a].

Taxes in his Reign.

King *Richard* I. *Richard* I. surnamed *Cœur de Lion*, was the third but eldest surviving Son of *Henry* II. and began his Reign in the Year 1189.

Anno Regni 1. 1189.

In this King's Reign we meet with a Convention of the Estates, in the very first Year of it. At this Time the *French* King sent an Ambassador to acquaint the King of *England* that he, and the whole Nobless of *France*, had sworn to go and attempt the Rescue of the Holy Land from the Hands of the *Saracens*; and invited *Richard* and his Nobles to join with them in this Holy Undertaking. Upon this Embassy the King convenes the Bishops, Earls, and Barons of the Realm, says *Paris*, to meet at *Westminster*[b]; when, acquainting them with the *French* King's Invitation, it was readily agreed to accept of it by *Richard* and his Peers. The King and the Nobles, taking the same Oath, set out from *England* some Time after, to meet the *French*, and prosecute this Holy War with their joint Forces.

At *Westminster*.

[17]

The Prosecution of this Holy War, the various Successes, and glorious Exploits of our brave *English* King and

[a] Antiently there were computed to be in *England* 40,000 Knights' Fees in the Possession of Spiritual and Temporal Persons; some Writers say 60,000 Knights' Fees. *Stow* quotes *John Rouse*, a very antient Manuscript Historian, who writes, That there were found, in the 15th Year of the Conqueror, 60,215 Knights' Fees in *England*. A Scutage, in After-reigns, was usually 40*s.* on each Fee, which must amount to a vast Sum of Money in those Days. *Stow*'s *History of England*, p. 191.

[b] At *London*, says *Brompton*.

Rex congregatis Episcopis, Comitibus, et Baronibus Regni Parliamentum Londoniæ *habuit. Chron.* Johan. Brompton *inter* Decem Script.

and his Forces, are copiously treated on by *M. Paris*, and the other Monkish Writers of those Times. It is neither our Design to follow him into the *East*, nor attend him in his long and dangerous Passage back again. At his Return he found that his Brother *John* had been playing the Devil with him at home, whilst he had been fighting the Lord's Battles abroad. In short, he had, in Conjunction with the *French* King, who, upon a Quarrel in the Holy War, had become *Richard*'s mortal Enemy, done his utmost to dispossess his Brother of his Kingdom. And it cost King *Richard*, after his Return, some Trouble and Bloodshed to bring *John* and his Party to their due Obedience. King *Richard* I.

Soon after, the King thought fit to call a Parliament at *Nottingham*; where it is said by some, that Queen *Eleanor* his Mother was present, and sat on his Right Hand. But *Roger Hoveden*, who is very particular in his Account of this Assembly, and what was done at it, writes, 'That the King sat in State, with *Hubert Walter*, Archbishop of *Canterbury*, on his Right Hand; and *Geofry Plantagenet*, Archbishop of *York*, on his Left [c].' The rest of the Bishops and Peers that composed this Meeting, and are mentioned, were *Hugh Pudsey*, Bishop of *Durham*; *Hugh*, Bishop of *Lincoln*; *William Longchamp*, Bishop of *Ely*, the King's Chancellor; *William de Vere*, Bishop of *Hereford*; *Henry*, Bishop of *Worcester*; *Henry Mareshal*, Bishop of *Exeter*; and *John*, Bishop of *Whitehaven*; *David* Earl of *Huntington*, Brother to the King of *Scots*, *Hamelin* Earl of *Warren*, *Ralph Blondevile* Earl of *Chester*, *William* Earl of *Ferrers*, *William* Earl of *Salisbury*, and *Roger Bigot* Earl *Marshall*. On the first Day of their Session, which was *March* 29th, the King deprived *Gerhard de Canvile* of the Possession of the Castle of *Lincoln*, and his Office of Sheriff of that Shire; *Hugh Bardolph*, of the Castles of *York* and *Scarbrough*, the Custody of *Westmoreland*, with the Office of Sheriff of *Yorkshire*, and exposed them to Sale. The Archbishop of *York* bought the Sheriff's Office for that County for 3000 Marks, and an annual Rent of 100 Marks [d]. On the second Day the King demanded Judgment against his Brother *John*, for having, contrary to his Oath of Fealty, usurped his Castles, and entered Anno Regni 5, 1194. At *Nottingham*. [18]

[c] *Rogeri Hoveden* Annales, p. 419. [d] *Ibid.*

King *Richard* I. into a Confederacy with the King of *France* againſt him; as alſo againſt *Hugh de Navant*, Biſhop of *Coventry*, for adhering to him and his other Enemies. It was determined that they ſhould both appear upon a Day fixed, to anſwer according to Law; which if they refuſed to do, the Earl ſhould be baniſh'd, and the Biſhop undergo ſuch Penalty both from Clergy and Laity as his Crime deſerved [e]. On the third Day the Parliament granted to the King two Shillings from every Plough-Land in *England* [f]: Beſides he required a third Part of the Service of every Knight's Fee for his Attendance in *Normandy*, and all the Wool that Year of the *Ciſtercian* Monks, which being judged too hard, he compounded with them for a Fine. The fourth and laſt Day was ſpent in hearing and determining of Grievances and Accuſations; and ſo this Aſſembly broke up after coming to a Reſolution, That to nullify the Act of Submiſſion which *Richard* had been obliged to perform to the Emperor, he ſhould be crowned again; which accordingly was performed the *Eaſter* following at *Wincheſter*.

The moſt of this King's ſhort Reign was ſpent in this *Cruſade*, as well as great Part of the Nation's Money. In the firſt Year of it a Scutage of twenty Shillings was laid on every Knight's Fee. In the ſecond, for the Armament to carry on the Holy War, two Saddle Horſes and two Sumpter Horſes were taken of every City; [19] of every Abby one Saddle Horſe and one Sumpter Horſe; and of every Manor of the King's the ſame as the Abbies. For his Ranſom, when Priſoner to the Emperor, of every Knight's Fee twenty Shillings; a fourth Part of the Rents of the Laity; a fourth Part of the Rents of ſome Clerks, and a tenth of others; all the Gold and Silver the Churches had; and all the Wool of that Year the *Ciſtercians* had, as well as the Monks of the Order of *Sempringham*, who never were taxed before [g]. The Sum

[e] *John* not appearing within the Time limited, the King cauſed Sentence to be pronounced againſt him, confiſcating all his Lands, and declaring him incapable to ſucceed to the Crown. The Biſhop, two Years after, was reſtored to the King's Favour and his Biſhoprick for 2000 Marks.—*Daniel*'s Hiſtory of *England*.

[f] A Tax antiently called *Temantale*. *R. Hoveden*. See *Temantale* in *Jacob*'s Law Dictionary.

[g] *Nulla denique Eccleſia, nullus Ordo, nullus Gradus vel Sexus, eſt præterminſſus, qui non cogeretur ad Liberationem Regis*. M. Paris.

Sum the Emperor demanded for King *Richard*'s Ran- King *Richard* I.
ſom was 150,000 Marks of Silver [h]. For Liberty of Tournament, every Earl gave 20 Marks, every Baron 10 Marks, every landed Knight 4 Marks, and every Knight of Fortune 2 Marks. In the Years 1185 and 1196 were raiſed the Sum of 1,100,000 Marks, but not ſaid how; alſo an Aid of five Shillings of every Plough-Land. Great Sums were alſo raiſed by Seizures, Fines, and Compoſitions, and Sale of the Demeſne Lands. In fine, ſo much Money went out of the Kingdom on this expenſive *Cruſade*, and for the King's Ranſom, that ſcarce a genuine Coin of this King's Stamp is to be met with in the Collections of the Curious.

To *Richard* ſucceeded *John* his Brother, the youngeſt King *John*.
Son to *Henry* II. whoſe Reign, though it proved very unhappy and troubleſome to himſelf, yet it chanced to be of infinite Service to his Subjects and all their Poſterity.

In the Year 1200, the firſt of his Reign, he called to- Anno Regni 1.
gether the Eſtates of the Realm to meet at *Lincoln*; where 1200.
alſo, ſay our Hiſtorians, he had ſummoned *William* At *Lincoln*.
King of *Scotland* to appear and do Homage to him for that Kingdom. The *Scots* King came, and the Ceremony was performed on a Hill near *Lincoln*, in the Preſence of all the Noblemen of both Kingdoms, and all the People [i]. This Convention is alſo called a Parliament by ſome old Writers [k], tho' for what Reaſon we are not able to learn, for there were no Laws of any

[20]

B 2 Kind

[h] One hundred and fifty thouſand Marks, *ad Pondus* Coloniæ *Monetæ publice probatæ*. *Rad.* de Diceto, *inter* Decem Script.

One hundred thouſand of which Marks was all which could then be raiſed, and at once paid down, amounting to upwards of 194,000 *l.* of our preſent Money, as Mr. *Folkes* has ſhewn in his Table of Silver Coins, p. 142 and 166.

In this King's Reign *Hubert*, Archbiſhop of *Canterbury*, gave this as a Reaſon for his withdrawing from the Adminiſtration, That there had been levied on the Subjects, in the Years 1195 and 1196, the Sum of 1,100,1000 *l.* which, according to Dr. *Davenant*, an ingenious and judicious Writer, was equal to Eleven Millions in our Times. *Campbell*'s Lives of *Engliſh* Admirals, vol. I. p. 196, 2d Edit.

[i] *Coram Optimatibus utriuſque Regni et omni Populo.* Knyghton, *inter* Decem Script.

[k] *Rex* Johannes *in* Angliam *ex* Normania *reverſus*, *Parliamentum ſuum apud* Lincolniam *convocaverat*. *Chron.* J. Brompton *inter* Decem Script.

King *John*. Kind enacted at it. But, in the Year 1204, and the fifth of his Reign, we find a Meeting of the Nobles called, much liker a Parliament than the laſt [l]; they met at *Oxford* on the ſecond of *January*, but by what Writ they were ſummoned is not ſpecified. Here was granted to the King two Marks and a Half of every Knight's Fee; nor did the Biſhops or Abbots, or other of the Clergy, depart without a Promiſe of the ſame.

Anno Regni 5. 1204.

At *Oxford*.

Anno Regni 14. 1213. The Storm betwixt this King and his Barons beginning to grow high, *Stephen Langton*, Archbiſhop of *Canterbury*, interpoſed, and with much ado prevailed upon *John* to call a Parliament, or Convention of Eſtates, which met at *London* in St. *Paul*'s Cathedral on the 25th of *Auguſt* in this Year. Here the Archbiſhop produced a Charter of King *Henry* I. which he ſaid he had found by Chance, and by which he granted to his People their antient Liberties, which had been violated by the unjuſt Exactions of his Predeceſſors, ſuch as were according to the Laws of King *Edward*, and with thoſe Amendments which his Father, by the Counſel of his Barons, did ratify. This Charter, which is ſtill extant in *M. Paris*, being read amongſt the Barons, they were much rejoiced at it; and ſwore in the Preſence of the Archbiſhop, that for theſe Liberties they would, if Need required, ſpend their Blood; and making an Agreement with the Prelate to that End, they broke up without any Anſwer from the King.

At *London*.

Magna Charta. Now we come to the Time when *Magna Charta*, or the Great Charter of our Liberties, was granted, or rather forced from this King by his Barons. This being the Fundamental Part of our *Engliſh* Laws, ſtands in the Front of all our printed Statutes, and is the great Bulwark betwixt the Power of the Crown and the Liberties of the Subject: For having been frequently renewed and confirmed by ſeveral Acts of Parliament, it is, by the ableſt Lawyers, called *L'Eſtatute de Magna Charta*, *Charta Libertatum Regni*, *Communis Libertas*, and *Chartre de Franchiſes*. The Reaſon of its being called *Magna*, ſays one [m] great Man of the Law, is becauſe of the

[21]

[l] *Rex & Magnates* Angliæ *convenerunt, apud* Oxoniam *ad Colloquium*. M. Paris.

[m] *Coke's Inſtitutes*, Lib. ii. Cap. 3. A poor Gingle.

the great Weightineſs and weighty Greatneſs of the Matter contained in it. King *John*.

This Charter was firſt granted in Form by King *John*, in the ſixteenth Year of his Reign, after a long Series of Civil War between him and his Barons, of which our Chronicles give a melancholy and terrible Deſcription. The King being at laſt hard put to it by the Barons, deſerted almoſt by every one, and having, as *M. Paris* writes, only ſeven Lords about his Perſon, thought it high Time to ſooth his other angry Nobles, and therefore ſent *William Mareſchal*, Earl of *Pembroke*, with ſome others, to the Lords, then at *London*, to tell them that he would grant the Laws and Liberties they deſired. The Ambaſſador and his Meſſage were received with great Joy by the Barons, who appointed a Time and Place, according to the King's Deſire, for the Meeting. Anno Regni 16. 1215.

This great Aſſembly of the King and the Barons was in a Place betwixt *Windſor* and *Stains*, called *Runingmede* [n], which is interpreted, ſays *Mat. Weſtminſter*, the *Meadow of Council*; becauſe, adds he, in antient Times the Peace of the Kingdom had been frequently treated on in that Place. On the 15th of *June*, 1215, the King and Nobles met in this Meadow; on the King's Side appeared with him the Archbiſhops of *Canterbury* and *Dublin*, the Biſhops of *London*, *Wincheſter*, *Lincoln*, *Bath*, *Worceſter*, *Coventry*, and *Rocheſter*; *Pandulph*, the Pope's Agent, and Maſter of the Order of Templars in *England*: Of Noblemen, *William Mareſchal* Earl of *Pembroke*, the Earls of *Saliſbury*, *Warren*, and *Arundel*; *Alan de Galewey*, *William Fitzgerald*, *Peter Fitzherbert*, *Thomas Baſſet*, *Matthew Fitzherbert*, *Alan Baſſet*, *Hugh de Nevile*, *Hubert de Burg*, *Robert de Roppelay*, *John Mareſchall*, and *Philip de Albiney*. On the Part of the Barons, ſays *Paris*, appeared ſuch a Number, that it ſeem'd as if all the Nobility of *England* were collected into one Body. At length, adds our Author, after they had treated on various Subjects, the King, knowing full well that his Strength was much inferior to that of the Barons, without the leaſt ſeeming Reluctance, agreed to ſeveral Articles, and confirmed them by his Charter. At *Runingmede*. [22]

[n] *Mat. Weſtminſter* calls it *Runnemed*; and *M. Paris*, *Runingemund*. This Meeting was properly neither a Convention nor a Parliament, ſince not call'd by the King.

King *John.*

Charta de Foreſta

Next follows the Charter at Length in *M. Paris*, as well as the *Charta de Foreſta*, granted at the ſame Time; which Foreſt-Laws and Cuſtoms, as they could not be inſerted in the ſame Schedule with the former, by reaſon of their Length, ſays *Paris*, made a different Inſtrument, and was witneſſed accordingly. Both theſe Charters have been ſo often printed and publiſhed in various Authors and Forms, that it is unneceſſary here to ſay any more about them; particularly they have lately had great Juſtice done to them in a pompous Work publiſhed by *William Blackſtone*, Eſq; Vinerian Profeſſor of the Laws of *England*, at *Oxford* [n]. This Gentlemen has traced theſe Charters, very learnedly and painfully, from the original granting of them, through the ſeveral Attempts of our Kings to caſſate or infringe them, to their final Confirmation and Eſtabliſhment. A Work which reflects great Honour upon the Author, and worthy of the Attention of every *Engliſhman* that would underſtand the Laws and Liberties of his Country.

That our Readers may the better underſtand to whoſe Memories they are indebted for great Part of their preſent Liberties, it will not be amiſs to give the Names of twenty-five Lords who were choſen by the reſt, and ſworn to ſee that this Royal Charter was confirmed by the Pope's Bull for the greater Security of it. The Titles and Names were as follow: The Earls of *Clare*, *Albemarle*, *Glouceſter*, *Wincheſter*, and *Hereford*; *Roger Bigot* of *Norfolk*, *Robert de Vere* of *Oxford*, Earl *Mareſchal*, jun. *Robert Fitzwalter*, ſen. *Gilbert de Clare*, *Euſtace de Veſcy*, *Hugo Bigot*, *William de Mulbray*, *William de Huntingfilde*, *Richard de Mountfitchet*, *William de Albineto*, the Mayor of *London*, *Gilbert Delaval*, *Robert de Ros*, the Conſtable of *Cheſter*, *Richard de Percy*, *John Fitzrobert*, *William Mallet*, *Geofry de Say*, and *Roger de Mulbray*. To theſe Lords were alſo ſworn, as Coadjutors and ſubſervient to them, the Earls of *Arundale* and *Warren*, *Henry D'Oily*, *Hubert de Burg*, *Matthew Fitzherbert*, *Robert de Pinkeni*, *Roger Huſcarle*, *Robert de Newbury*, *Henry de Ponte Audomarli*, *Radulph de la Haic*, *Henry de Brentfeld*, *Garim Fitzgerald*, *Thomas Baſſet*, *William de Rokelant*, *William de Saintjohan*, *Alan Baſſet*, *Richard de Ripariis*, *Hugo Beneval*, *Jordan de Saukvill*,

[n] *Oxford*, at the *Clarendon* Preſs. M.DCC.LIX.

Saukvill, *Rad. Muſkard*, *Richard Sibſleuvaſt*, *Robert de Ropelay*, *Andrew de Beaucamp*, *Walter de Duneſtable*, *Walter Eſlioth*, *John Faukes*, *John Mareſchall*, *Philip de Albeni*, *William de Parco*, *Radulph de Normanvile*, *William de Perci*, *William Agailun*, *Engerus de Prateſt*, *William de Cirent*, *Roger de Zuche*, *Roger Fitzbarnard*, and *Geofry de Cracumbe*. Theſe all ſwore, ſays *Paris*, to obey the Commands of the aforeſaid twenty-five Barons; and all theſe together make up the Liſt of the principal Perſons that compoſed this Grand Aſſembly. The King, however, was not over willing to ſtick to theſe Charters of Liberties, but had many Struggles with his Barons afterwards, in order to diſannul them. He died the Year following, and left his Kingdom, deeply involved in this Civil War, to his eldeſt Son *Henry* [o]. King *John*.

Henry III. began his Reign in the Year 1216, being then only Nine Years of Age. At a very dangerous and troubleſome Period did this young King come to the Crown; the Kingdom full of inteſtine Broils, and a foreign Enemy, headed by *Lewis* the *French* King's Son, in the Heart of it. But the Barons, ſoon after, finding it their own Intereſt to unite, did ſo, and drove *Lewis* out of the Kingdom; and all Things went on in an amicable Manner during the King's Minority. King *Henry* III.

There are ſome Inſtances of Parliaments, or Conventions of the Barons, *&c.* being called in the Minority of this King, in Dr. *Blackſtone*'s Introduction to *Magna Charta*, before-mentioned; particularly one in the Year 1217, A. R. II. at *London*, which, the Doctor ſays, has eſcaped the Notice of all our antient Hiſtorians, as, doubtleſs, he adds, many others have done. At this Meeting the King's Miniſters, in the Name of their young Maſter, thought fit to ratify and confirm the two Charters granted by his Father [p]. But we have no abſolute Certainty of any more till in the Year 1223, a Meeting of the Barons, or a Parliament, was ſummoned to *London*; where the King met them, *January* 13th, the ſame Year [q]. At this Conference the Archbiſhop of Anno Regni 8. 1223. At *London*.

[o] There were ſeveral Scutages in this King's Reign, but as they were arbitrarily and variouſly collected, they do not deſerve Notice; who will may ſee them in a modern Hiſtorian. See *Carte*'s *Hiſtory of England*, Vol. I. p. 844.

[p] See *Blackſtone*'s *Mag. Char.* Introd. p. xxxix. and Note *(t)* p. *ſeq. ib.*

[q] *Rex ad Londonias veniens cum Baronibus ad Colloquium.* M. Paris.

King *Henry* III. of *Canterbury*, *Stephen Langton*, and other great Men, requeſted the King that he would confirm the Liberties and free Cuſtoms for which a War was made with his Father; urging, moreover, That when *Lewis* left *England*, both the King and all the Nobility had ſworn to obſerve, and cauſe to be obſerved, thoſe Liberties; and therefore he could not refuſe to do it. Upon which *William Briwere*, one of the King's Council, replied, 'That the Liberties they deſired were violently extorted, and therefore ought not to be obſerved.' The Archbiſhop of *Canterbury* in a Paſſion reproved him, and [24] ſaid, 'That, if he loved the King, he would not hinder the Peace of the Kingdom.' The King, ſeeing the Prelate much moved on the Occaſion, aſſured them, 'That he had bound himſelf by an Oath to preſerve their Liberties, and what was ſworn he would obſerve.' And having called a Council he forthwith ſent his Letters to all the Sheriffs in the Kingdom, to make Inquiry by the Oaths of twelve Knights or legal Men, in every County, what were the Liberties of *England* in the Time of King *Henry* his Grandfather, and to make a Return of them to *London* fifteen Days after *Eaſter*.

Anno Regni 9. 1224. At *Northampton*. The next Year, 1224, the King met the Archbiſhops, Biſhops, Earls, Barons, and many others [r], ſummoned to appear at *Northampton*, to treat about the Affairs of the Kingdom. The King being willing, ſays *Paris*, to take the Advice of his Great Men [s], concerning his foreign Dominions, which the King of *France* had then in his Poſſeſſion. But their Negotiations were interrupted by a ſmall Rebellion, which at that Time broke out very near them. One *Falcaſius*, or *Fauke de Brent*, had ſeized upon *Braibrooke*, one of the King's itinerant Juſtices, for ſetting a Fine upon him for committing much Spoil and Rapine in the Country, and had impriſoned him in his Caſtle at *Bedford*. The King and his Great Council being much ſcandalized at ſuch a bold Proceeding, ordered the Caſtle to be beſieged; which it was, and taken, and 24 of the Garriſon hang'd up on the Walls of it. The Rebel himſelf found Means to fly into *Wales*; but, by the Interceſſion of a Biſhop, he was introduced to the King, fell down at his Feet and implored

[r] *Convenerunt ad Colloquium apud* Northampton, *Rex cum Archiepiſcopis, Epiſcopis, Comitibus, Baronibus, cum multis aliis.* M. Paris.

[s] *Uti Conſilio Magnatum.* Ibid.

implored his Mercy, urging his former Services for his Pardon. The King, by the Advice of his Council, having firſt taken from him his Caſtles, Lands, and Goods, committed him to the Cuſtody of the Biſhop of *London* till further Orders. After this the Aſſembly granted to the King, for his great Trouble and Expences, 2 *s.* of every Plough-Land; and the King, in return, granted the Barons two Marks Sterling of every Knight's Fee, [25] to be levied on their Tenants. King *Henry* III.

King *Henry* kept his *Chriſtmas* at *Weſtminſter* in the Year 1225, where it appears that the Barons, *&c.* were ſummoned. Here it was that, in a very full Aſſembly [t] of both Clergy and Laity, *Hugo de Burgh*, the King's Juſticiary, in the Preſence of them all, declared 'The 'Damages and Injuries the King ſuſtained in his Dominions beyond Sea; wherein not only the King, but 'alſo ſeveral Earls were thrown out of their Poſſeſſions. 'That, ſeeing many were concerned, the Aſſiſtance 'ought to be proportionable; he therefore requir'd their 'Counſel and Aid, that the Royalties of the Crown, and 'their antient Rights, might be recovered; for the re-'trieving of which, he thought, the fifteenth Part of all 'Moveables, both of Eccleſiaſtics and Laics, would be 'ſufficient.' This being moved by the Chief Juſtice, the Peers, after ſome Deliberation, returned this Anſwer to the King: 'That they would readily ſatisfy his De-'mands, if he would grant to them their long-deſired 'Liberties.' To this the King conſented, and Charters were forthwith writ, and ſealed with the King's Seal, and one directed to every County in *England*. To the Counties alſo, where there were Foreſts, two Charters were directed; one concerning their common Liberties, and the others the Liberties of the Foreſt. The Tenor of theſe Charters are the very ſame with thoſe of King *John*. A Month after *Eaſter*, a Day was ſet to chuſe twelve Knights and legal Men [u], who, upon Oath, ſhould diſtinguiſh the new Foreſts from the old ones; and whatever Foreſts were found to be made after the Coronation of *Henry* II. were forthwith to be diſafforeſted. Anno Regni 10. 1225. At *Weſtminſter*.

The Council being ended, Charters were carried to every County; and, by the King's Command, every one

[t] *Coram Archiepiſcopis, Epiſcopis, Comitibus, Baronibus, et aliis Univerſis.* M. Paris.

[u] *Duodecim Milites et Homines Legales.* Ibid.

King *Henry* III. one ſworn to obſerve them. The Way and Manner of levying this Fifteenth was directed by the King; and
[26] becauſe it is very particular to know how Fifteenths were raiſed in thoſe Days, Dr. *Brady* has printed the Record of it in his *Appendix* [w]. In this Parliament alſo the Barons granted the King the Wards and Marriages of their Heirs, which proved, what it was then called by thoſe who had a View into the Conſequences of Things, *Initium Mali*.

The ſame Year, in the Month of *March*, another Aſſembly of the Great Men was called; but nothing more was done at it than the Trial of *Falcaſius de Brent*, the Rebel aforeſaid; when the King, with the Conſent and Advice of the Nobles, condemned him to perpetual Baniſhment. This Man, ſays *Paris*, at his going on Shipboard to his Exile, with Tears in his Eyes, bid the Meſſengers that conducted him tell the King, 'That 'whatever he had done was by the Inſtigation of the 'Engliſh Barons [x].'

Thus far Matters went very even betwixt this King and his Barons; but now *Henry*, being arrived at Manhood, wanted to knock off the Shackles which were impoſed, as he thought, on the Royal Prerogative, by the granting of the Great Charter, &c. notwithſtanding he had, at his Coronation, ſworn to keep them inviolably, and had publickly confirmed this Oath at ſeveral Times after.

Anno Regni 11. 1226. To this Purpoſe, in the Year 1226, at an Aſſembly of the Peers, called to meet together at *Oxford*, the King told them, 'That ſince he was now arrived at a lawful 'Age, for the future he would be releaſed from the Go-'vernment of others, and take the Reins of it into his 'own Hands.' He then, by his Authority, cancelled 'Magna Charta and Charta de Foreſta; giving this Rea-ſon, 'That thoſe Charters of Liberties were made and 'ſigned when he was not his own Maſter, but under the 'Government of others, and conſequently could not be 'valid, becauſe he was not bound to keep what he was 'forced to promiſe [y].' This Declaration, ſays *Paris*, made very great Murmuring in the Aſſembly; and all aſcribed

At *Oxford*.

[w] See the *Appendix* to Dr. *Brady*'s *Compleat Hiſtory*, from Pat. 9 H. III. M. 7. *Dorſo*.

[x] *Inſtinctu Majorum Regni* Angliæ *feciſſe*. M. Paris.

[y] *Cum nec ſui Corporis aut Sigilli aliquam Poteſtatem habuerit*. Ibid.

King *Henry* III.

aſcribed this Act of the King's to the Advice of his Prime Miniſter, *Hubert de Burgh*, at that Time Chief Juſtice of *England*; who, adds our Authority, was grown ſo much in the young King's Favour, that no Advice but his own was the leaſt regarded. At the ſame Time, it was told the Churchmen, 'That the King intended to maintain their Liberties, provided they would all take out new Charters, eſteeming the old ones as no ways valid. And, as a more mortal Wound to the Clergy, a Fine was laid, not according to their Abilities, but what the Prime Miniſter demanded, that they were obliged to pay.

Anno Regni 16. 1232.

In the Year 1232, the King kept his *Chriſtmas* at *Wincheſter*, and upon the 7th of *March* following he met the Nobles, as well Prelates as Laics, at *Weſtminſter*[z]: To whom he declared, 'That his late Expedition abroad had involved him in very great Debt, by which he was now abſolutely obliged to require a general Aid.' To this Demand *Ranulph*, Earl of *Cheſter*, replied, in the Name of the Noblemen, 'That the Earls, Barons, and Knights who held of the King, *in Capite*, had perſonally ſerved him, and had been at great Expence to no Purpoſe; whereby they were reduced to Poverty; and therefore, of Right, they owed no Aid to the King at that Time.' Then the Lay Lords, aſking Leave, departed. The Prelates, *&c.* anſwered for their Parts, 'That many Biſhops and Abbots, who were ſummoned, were not yet come up; and therefore deſired that it might be deferred, and a Day appointed for all to meet together, and conſult what ought to be done in that Buſineſs.' The King agreed to this, and the Meeting was fixed to be fifteen Days after *Eaſter*.

At *Weſtminſter*.

Some Time after this a great Storm was raiſed againſt *Hubert de Burgh*, the King's Prime Miniſter, and Chief Juſtice of *England*: He was accuſed of ſeveral very high Crimes and Miſdemeanors, recounted at large by *M. Paris*: That he had been guilty of ſeveral treaſonable Practices, and given treacherous Advice to the King; much to the Prejudice of both him and the Kingdom: That he had procured *William Longeſpee* Earl of *Saliſbury*, *William Mareſchal* Earl of *Pembroke*, *Falcaſius de Brent*, and

[28]

[z] *Convenerunt ad Colloquium apud* Weſtmonaſterium, *ad Vocationem Regis, Magnates* Angliæ, *tam Prælati quam Laici.* M. Paris.

King *Henry* III. and *Richard Wetherſhed* Archbiſhop of *Canterbury*, to be poiſoned: That he had gained the King's Affections by Sorcery and Witchcraft. He was accuſed alſo of Injuſtice, Extortion, and Rapine. All which extraordinary Crimes were urged ſo home againſt the Favourite, before the King, that he cauſed it to be publickly proclaimed in *London*, that whoever had any Complaint againſt *Hubert* ſhould come before him, and Juſtice ſhould be done to the Offended.

Anno Regni 16. 1232. On the 14th of *September*, the ſame Year, 1232, the King ſummoned the Biſhops and other Prelates of the Church, with the Nobility of the Kingdom [a] to meet

At *Lambeth*. at *Lambeth*; by whom the fortieth Part of all Moveables, belonging to all Biſhops, Abbots, Priors, Clerks, and Laymen, was granted to the King, for the Payment of the Debt which he owed to the Earl of *Britain*. At this Convention alſo *Hubert de Burgh* was required to give in his Anſwer to the ſeveral Articles preferred againſt him; as it had been ſtipulated by the King. But *Hubert*, ſays *Paris*, fearing that the King would put him to ſome ſhameful Death, thought fit to abſcond and ſhut himſelf up in a Sanctuary amongſt the Canons at *Merton* [b]; waiting for a Time to give in his Anſwer when the King was in a better Humour. *Henry*, in a great Rage at this, ſent to the Mayor of *London* to force *Hubert* from his Sanctuary, and bring him before him dead or alive. The *Londoners*, glad of this Opportunity to be revenged of *Hubert*, for hanging a favourite Citizen of theirs, rung the Alarm Bell, and, inſtantly, near 20,000 of the meaner Sort were collected together, to whom the Mayor read the King's Letter, and deſired them to be all ready in the Morning to perform the King's Commands. But ſome of the graver Sort of Citizens, and richer we ſuppoſe, dreading the ill Conſequence of raiſing ſuch a tumultuary Mob, went to the Biſhop of *Wincheſter*'s Houſe at *Southwark*, and de-

[29] ſired his Advice, who told them plainly that whatever came of it they muſt execute the King's Precept. Struck with this ſtrange Epiſcopal Advice, ſays *Matthew*, they retired; and accordingly next Morning the ſame Number

[a] *Epiſcopi et alii Eccleſiarum Prælati, cum Proceribus Regni.* M. Paris.
[b] *Merton* in *Surrey*, an Abby founded by *Henry* I. for Canons of St. *Auſtin*, *Anno* 1121. *Mon.* Ang. *tom.* II. *p.* 135.

ber of Citizens, or more, appeared in Arms, and, with Colours flying, march'd towards the Sanctuary. *Hubert*, when he heard of this, gave himself up for lost, and, throwing himself on his Knees before the High Altar of the Church, recommended both his Soul and Body to God. But *Ranulph* Earl of *Chester* had hinted to the King, that if such tumultuous Proceedings were countenanced, a Sedition might be raised that would not be easily appeased; adding, that it would be a great Reproach to the King abroad, when it was heard that he thus treated those who had been his Favourites. The King was stagger'd at this, and immediately dispatched two Messengers with Letters to the Mayor to revoke his former Precept. The Citizens were amazed at these counter Orders; but, however, notwithstanding they missed of their Prey, they all went quietly back to their own Homes. King *Henry* III.

These Things happened whilst the aforesaid Convention of the Nobles was sitting at *Lambeth*, in order to have *Hubert* brought before them, which makes us so particular in the Recital.

Hubert, however, escaped the Fury of his Enemies for that Time; and having soon after delivered up all his immense Riches to the King, it so soften'd *Henry*'s Heart, that if he did not wholly forgive him, yet he granted him all his Lands again; and *Hubert* only remained a State Prisoner in the Castle of *Devizes* for some Time.

In the Place of *Hubert de Burgh*, Earl of *Kent*, *Henry* soon got a new Favourite, but ten Times more obnoxious to the Barons than the former. This was *Peter de Rupibus*, Bishop of *Winchester*; who, with *Peter de Rivall*, his Kinsman, now governed the King and all the public Affairs of the Kingdom. These Men, being Foreigners, invited over into *England* several *Poictevins* and *Britons*, to the Number of 2000 Knights and Servants, who were placed as Garrisons in several Castles; and to these the easy King committed the Wardships of the Nobility; which afterwards much degenerated, by being ignobly matched to these Foreigners. And when any *Englishman* complain'd of their Burdens and Oppressions to the King, they were hindered from any Redress by the powerful Influence of the Bishop of *Winchester*. [30]

By

King *Henry* III. By these Means the Flame, that burnt so fiercely in his Father's Time, was again lighted up in the King-

Anno Regni 17. 1233. dom: For *Henry* having sent out his Letters, says *Paris*, to call the Barons together to a Council, to be held on

At *Oxford*, the Feast of St. *John*, in the Year 1233, at *Oxford*, the Barons absolutely refused to obey the King's Command; by reason, adds our Author, that they feared the Treachery of the Foreigners, who then swarmed at Court; and because they had conceived a just Indignation against the King, for preferring the *Poictevins* to his own natural Subjects. This Refusal they had delivered to the King in a very solemn Manner; who, being much exasperated at the Barons for this Affront offered to his Authority, took Advice of his Lawyers how he should compel them to obey. The King was advised to summon them a second and a third Time, to try whether they would appear or not. But one of the Council being so bold as to tell him that it would be to no Purpose, nor would the Barons ever obey his Mandate, or he enjoy any Peace, unless he would remove *Peter* Bishop of *Winchester*, and *Peter de Rivall* his Nephew, (or his Son, rather, says *Paris* with a Sneer) from his Counsels, the

And at *Westminster*. King sent again to his Barons, to summon them to meet at *Westminster* on the 10th of *July* following, and there, by their Advice, he promised to amend whatsoever was amiss, or by Right ought to be amended. But when the Barons had heard that the King only sought to ensnare them; that he had actually got over from abroad a Set of Banditti, or Robbers, with Arms and Horses for that Purpose; they could see no Signs of Concord, and again refused to come to him; sending special Messengers to the King with this positive Demand, 'That if he did not, without more Delay, dismiss *Peter* Bishop of *Winchester*, with the rest of the *Poictevins* from his

[31] Court, they would never obey any of his Summons, but instantly drive him and his evil Counsellors out of the Kingdom, and elect a new King.'

Henry was amazed, and his whole Court much terrified, at the Haughtiness of this extraordinary Message; but yet, by the Advice of the Bishop, he sought to repel Force by Force, seized upon several Manors belonging to the Barons nearest him, declaring the rest of them

them Traitors, and that he would give their Eſtates to his Foreigners. King *Henry* III.

However, the Year after, 1234, the King was better adviſed, and the Biſhops and Barons met him at *Weſtminſter*, in order to ſettle, in this General Council, the National Diſturbances. *Edmund* Archbiſhop of *Canterbury*, with the reſt of the Prelates, went to the King and his Council, and told him, boldly and openly, 'That if he would not conſent to the Conditions the Lords had already propoſed to him, and agree with his faithful Subjects, that he, with the Biſhops, would immediately excommunicate him and all his evil Counſellors.' The Thunder of the Church had a better Effect on the King than the Barons Threats, and, ſays our Author, he humbly and meekly anſwered the Prelates, *That he would do whatſoever they deſired.* Accordingly, in a very few Days, he ſent *Peter* Biſhop of *Wincheſter* to his See, there to take Care of his Flock, and never more to meddle with State Affairs. *Peter de Rivall* he ſtript of all his Caſtles and Wealth which he had unjuſtly acquired; affirming with an Oath, that if he did not inſtantly go into Holy Orders, and take a Benefice, he would order both his Eyes to be put out. Moreover, he baniſhed all the Foreigners from his Court, and from all the Caſtles they were poſſeſſed of, into their own Country, commanding them never to ſee his Face again. And thus, ſays *Paris*, the King, having diſmiſſed all his evil Counſellors, recalled to their Obedience his natural Subjects, and hoped, by the Advice of the Prelates aforeſaid, to reſtore his harraſſed Kingdom to Peace and Tranquillity. Anno Regni 18. 1234. At *Weſtminſter*.

Matters continued in a peaceable State after this but a few Years. In the Year 1236 another ſelect Council of the Biſhops and Peers was called to *Merton*, where the King's Marriage with *Eleanor*, ſecond Daughter of *Raymond* Earl of *Provence*, was notified, and ſome foreign Affairs tranſacted of no Conſequence to our Deſign. Anno Regni 20. 1236. At *Merton*.

[32]

We called this a ſelect Meeting of the Peers, becauſe, we are told, that it was only compoſed of the Archbiſhop of *Canterbury*, the Biſhops of his own Province, and

King *Henry* III. and the major Part of the Earls and Barons [c]. It was here, however, that the *Statutes of Merton* were made and enacted, which have ever since been a Part of the Statute-Law of *England* [d].

At this Meeting, also, a Message from the Emperor was considered, wherein he requested the King to send him his Brother *Richard*, Earl of *Cornwall*, to make him General against the *French*, whereby the *English* also might recover their Rights. But the Emperor was desired to chuse any other; the Peers giving for Reasons to the Ambassadors, that the Prince was but young, and next Heir to the Crown if the King should die without Children; and therefore it was not proper for them to hazard his Life in such an Enterprize.

Anno Regni 21. 1237. But the next Year following, 1237, whilst the King and his whole Court kept *Christmas* at *Winchester* [e], the Royal Writs were sent out, says *Paris*, to every Part of the Kingdom, commanding all and singular Archbishops, Bishops, Abbots, installed Priors, Earls, and Barons [f], to appear, without Delay, at *Westminster*, on a Day appointed, there to treat on the urgent Affairs of the Kingdom. Accordingly, an infinite Number of the Nobility, adds our Authority, from all Parts of the Nation came to *London*, imagining some Matters of very great Moment were in Agitation. In *Westminster* Hall they met, in order to know the King's Pleasure, when a certain Priest, called *William de Kele*, [33] a Domestic Chaplain of the King's, a Man very discreet, and learned in the Laws of the Land, and one who was a Sort of Mediator betwixt the King and Peers, stood up, and delivered the King's Will and Purpose in this Manner: 'Our Lord the King, says he, commands me 'to acquaint you, that he will entirely submit himself to 'your Advice, both in the present Affair and hereafter. 'Nevertheless, he must inform you, that the People he 'intrusted with the Management of his Treasury have 'given in false Accounts of the Receipts. The King, therefore,

At *Westminster*.

[c] *Coram Domino Rege* Henrico, *et coram venerabili Patre* Edmundo Cantuariensi *Archiepiscopo, Co-Episcopis suis, et coram Majori Parte Comitum et Baronum Nostrorum* Angliæ. *Annal.* Burton, *p.* 287.

[d] See *Hawkins*'s Edition of the Statutes at large, vol. I. p. 18, *&c.*

[e] *Scripta Regalia.* M. Paris.

[f] *Archiepiscopis, Episcopis, Abbatibus, Prioribus installatis, Comitibus, et Baronibus.* Ibid.

'therefore, finding himself destitute of Money, without King *Henry* III.
'which a King is a Cypher, craves Help of you to sup-
'ply him. In this Manner, however, that what Money
'you please to collect may be made Use of for the King-
'dom's Service, in a Way that some of you, chosen for
'that Purpose, may think proper.' Not one of this As-
sembly expecting such a Message, it was received with
great Discontent. *Alter in alterius jactantes Lumina Vultus*, quoth the Monk out of the old Poet, and said to each other, *Fuderunt Partum Montes, en ridiculus Mus*[g]. The Lords answered, with great Indignation, 'That he
'had promised and broken his Word many and many a
'Time with them; asserting, that it was derogatory to
'their Honour to suffer a King so easily seduced, who
'never either repulsed any, or the meanest of the Na-
'tion's Enemies, or even alarmed them; who was so far
'from enlarging the Bounds of his Kingdom, that he
'rather straiten'd and subjected it to Foreigners, to ex-
'tort from them, by the same Arguments, at so many
'different Times, so much Money, to the great Detri-
'ment of his own Subjects, and the Benefit of Strangers.'
The King, finding his Nobles in this Temper, sought to soften them, lest the Discontent should prove more general, by promising, upon his Oath, 'Never more to
'injure or molest them, provided they would kindly grant
'him, for his present Use, the thirtieth Part of all
'Moveables throughout the Realm. He said that he
'had sent a great deal of Money to the Emperor, the
'most of it out of his own Treasury, for the Marriage
'of his Sister.' To this it was loudly answered, 'That [34]
'he did all those Things without the Advice or Consent
'of his Subjects; nor was it necessary that they should
'partake of the Punishment, who were no ways guilty
'of the Crime.' The Lords, after this, withdrew themselves into a private Place, that they might be more at Liberty to consult together on the Exigency of this Affair and the King's Demand: But, before they went out, *Gilbert Basset*, a Baron, not careful enough of his Words, adds our Author, said openly to the King, 'My Lord
'the King, send some of your own Friends to go along
'with the Barons to their Consultation.' He sat, whilst he said this, very near the King. On the other Hand,

[g] This is a patch'd up Verse of the Monk's, from *Parturiunt Montes*, &c.

King *Henry* III. *Richard de Percy*, much moved with this Saying, ſtood up and anſwered him, 'What is it, Friend *Gilbert*, 'that you ſay? Do you take us for Foreigners, and not 'the King's Friends?' *Baſſet* was reproved for his raſh and indiſcreet Advice: Nevertheleſs, by theſe Debates, this Meeting was prolonged four Days.

The King confirms *Magna Charta*, which he had cancelled upon his coming of Age.

At length the King again confirmed to all his Subjects their *Magna Charta*, and ſwore to keep it inviolable; and becauſe, ſays *Matthew Paris*, he did not think himſelf quite free from a Sentence of Excommunication, which *Stephen Langton*, then Archbiſhop of *Canterbury*, with the reſt of the Biſhops, had denounced againſt all Violators of that Charter when it was made; he therefore declared, 'That if he went about to break this Promiſe, by any new miſchievous Deſign, he ſhould think himſelf under the full Weight of the Church's Sentence.' By this Declaration, adds he, the Hearts of the whole Audience were in a Moment changed to the King's Side; and having appointed the Earl of *Warren*, *William Ferrers*, and *John Fitz-Geoffry*, to be of Council to him, he made them ſwear, 'That by no Gifts or Reward they would be drawn from the Truth; but that they ſhould at all Times give him ſuch wholſome Counſel as was only conducive to the Good of himſelf and Kingdom.' After which the King's Demand was granted, and the thirtieth Part of all Moveables was levied thro' the Realm. The Manner how this Tax was gathered, by Officers appointed for that Purpoſe, may be ſeen at large in *M. Paris*, to which, for Brevity Sake, we muſt refer.

[35]

There are ſtill extant, amongſt our Records [h], ſome Copies of Writs for calling this Parliament, by which it evidently appears that Boroughs had no Repreſentatives therein: And they ſufficiently explain what our Hiſtorian has advanced, and ſpecify, at the ſame Time, the Quality of the particular Members which conſtituted this Parliament.

It was the Cuſtom of this King, when he wanted Money, to deſcend to very low and pitiful Ways to obtain it; and when he had got his Wants ſupplied, to ſquander the Money away amongſt his Favourites with great Profuſeneſs. It muſt be obſerved though, by the Way,

[h] In Bundell. Miſcel. Temp. *Hen.* III. *&c. Turre Lond.*

Way, that these Demands of Money from the Nobility, on the Part of the Crown, were the Ground-work of one principal Point of our Liberties, 'That the Crown cannot levy a Tax on the Subject without the Consent of Parliament.' All Taxes, such as Scutages, Knights Fees, &c. having been raised before this Reign in an arbitrary Manner. King *Henry* III.

The 14th of *September* in this Year was appointed by the King and the Pope's Legate, *Ottoboni*, for a Meeting of the Peers at *York*, to treat upon some great Affairs that concerned the Kingdom. The King of *Scots* met them there, to make an End of the Difference depending between *Henry* and him. After much Consultation and Debate, it was agreed that the King of *Scots* should have three hundred Pound Lands by the Year in *England*, for which he should do Homage to King *Henry*, but should not build any Castles upon it, and was to quit all Pretences to any farther Claim. We cannot omit a remarkable Answer the *Scots* King made the Legate at this Meeting, though it has been often copied by other Historians. It seems the Legate told the King of *Scots*, 'That he intended to visit his Kingdom, to treat upon Ecclesiastical Affairs there as he did in *England*.' *Alexander* replied, 'That he never remembered a Legate called into his Kingdom, and he thanked God there was no Need of any now; for neither his Father nor any of his Ancestors had suffered any to enter, and as long as he was in his Senses he should also hinder it. Nevertheless, adds he, because you have the Character of a very holy Man, I will give you this Advice, if ever you enter my Kingdom, that you do it very cautiously, lest any Misfortune happen to you. A great many fierce and savage Men inhabit there, that thirst after human Blood, which I myself cannot tame, and if they set once upon you, I cannot prevent them from doing you a Mischief. It is not long since, as you may have heard, that they invaded me and had like to have drove me from my native Kingdom.' The Legate hearing this, says *Paris*, laid aside his covetous Desire of entering *Scotland*, and stuck the closer to the *English* King, whom he found more obsequious. Anno Regni 21. 1237. At *York*. [36]

King *Henry* III.

Anno Regni 21. 1237.

At *Weſtminſter*.

Henry having quickly got rid of his laſt Supply, was obliged to uſe the ſame Means to gain another. In the very ſame Year, another Aſſembly of the Peers was called to meet at *Weſtminſter*, where the King laid before them his Grievances, aſſerting, by Oath, That his Money was all gone, and that he was ſcarcely worth a Groat, and therefore demanded the ſame Supply as the former. After ſome Diſputes and much Murmuring, this Demand alſo, being the thirtieth Part of all Moveables, was granted. Which Money, ſays *Paris*, was laid out in the ſame trifling Way as the former; and, inſtead of taking the Advice of his Nobles in the Diſtribution of it, he again ſquandered it away amongſt his Foreigners.

Theſe Weakneſſes of the King put his Nobles on ſome other Means of Redreſs; and finding his Extortions to have no End, they were reſolved to bring him to better Terms by Force. *Richard* Earl of *Cornwall*, the King's Brother, ſcandalized at his Proceedings, was the firſt in this League againſt him. After ſome Struggles, *Henry* was compelled to ſubmit to ſuch Terms as the Barons required, and Matters remained in a peaceable State betwixt them for ſome Years [i].

Anno Regni 26. 1242.

At *London*.

We meet with no other Convention of the Eſtates till the Year 1242; when, by the King's Writ, they were all, as before, ſummoned to appear at *London* [k], on *Wedneſday* before *Candlemas-Day*. The old Animoſities were here raiſed again; the Barons engaged one another, by Oath, not to conſent to give any Money at all; and when the King demanded it, they anſwered him with great Bitterneſs, 'That ſuch were his Councils, and ſuch his inſolent Manner of aſking, that they would not do it: That he had fleeced and impoveriſhed his Subjects ſo very often, drawing his Exactions into Conſequences, as if they were the meaneſt Slaves; and all this Money, which he extorted, had been waſted ſcandalouſly; therefore they flatly told the King to his Face, That they would not be ſo robbed and plundered any more.' The King, ſays *Paris*, well verſed in *Italian*

[37]

Tricks

[i] In *Rymer's Fœd.* Tom. I. p. 385, is ſome Account of a Convention of Eſtates in 1240.

[k] *Totius Angliæ Nobilitas, tam Prelatorum quam Comitum ac Baronum, ſecundum Regium Preceptum,* Londini *congregata eſt.* M. Paris.

Tricks and Illuſions[1], commanded them that they ſhould wait to know his Pleaſure, on the Morrow, on this and other Matters. But in the mean Time, adds, that he drew them one by one into his Cloſet ſecretly, in the Manner that Penitents go to Confeſſion to their Prieſt, and there, what he could not do with them all together, he ſtrove to gain by fair Speeches to them ſingly: Promiſing, amongſt the Clergy, this Man an Abbey, another a Priory, and ſo on, till he found he could make nothing at all of them; for not one of them would recede from the common Anſwer which they had ſworn to ſtick to. *Henry*, growing angry at their Obſtinacy, ſaid, *What, would you have me perjured? I have ſworn by the bleſſed Sacrament to carry my Arms againſt the King of* France, *in order to reclaim my juſt Rights, and without you grant me an ample Supply I am not able to perform it.* Yet, neither by theſe or any other Words could he gain upon them, notwithſtanding the politic Method he took to bring them over to his Intereſt.

King *Henry* III.

The King cloſets the Barons one by one, to prevail on them to grant a Supply.

He then thought proper to call before him thoſe of the Barons that were his own Officers at Court, and ſpoke to them in this Manner: *What a pernicious Example have you ſet to others? You who are Earls, and Barons, and mighty Men at Arms, ought you, tho' others are intimidated, to tremble like a Set of Biſhops and Prieſts? You ought to be more eager to defend the Rights of the Crown, and, by Deeds of Arms, oppoſe yourſelves againſt all its Enemies. I called this Aſſembly to ſtrengthen and defend my Rights, with a ſure Expectancy, that they would ſuffer my Affairs to go on proſperouſly, after the Example of* Wales, *where of late we ſo happily triumphed. And with what Face can you leave me your Sovereign Lord, with the heavy Burthen of State upon me, ſo poor and deſolate; eſpecially when you know my Promiſe to go abroad, and that I have ſworn ſtrictly to perform it?* When the Purport of this Speech was made known to the whole Aſſembly, they returned the King this Anſwer: 'Your Majeſty gives us great Occaſion 'to wonder into what Gulph you have thrown that 'vaſt Quantity of Money, which, by various and cruel 'Extortions, you have raiſed, as well from Churches 'kept

[38]

1 Romanorum *uſus verſutis Fallaciis.* M. Paris.

King *Henry* III. ‘ kept vacant, as from the Lands of the Nobility; ‘ creating Horror in the Minds of the Hearers. Be- ‘ ſides, you have called over certain Legates, or thoſe ‘ that did the Office of Legates, into this Kingdom, ‘ that, like Gleaners after the Vintage, have plucked ‘ from us all the Money we had left. It is therefore ‘ leſs to be wondered at, that without the Conſent, or ‘ even Advice, of the Nobility of *England*, you have ‘ involved yourſelf in ſuch difficult and dangerous Ne- ‘ gotiations; ſtaking your Faith to thoſe that have none; ‘ and, deſpiſing the Favour or Eſteem of your own ‘ Subjects, you have brought yourſelf into a very doubt- ‘ ful State of Fortune. The League that was made ‘ betwixt the King of *France* and you, and which you ‘ ſwore from your Soul to keep inviolably to the End, ‘ being tranſacted alſo by your moſt Noble Brother ‘ Earl *Richard* and Earl *Roger Bygot* on your Part, you ‘ have moſt diſhoneſtly and ſcandalouſly broke.’

Theſe, with ſome other Matters, being urged home to the King, he fell into a very great Rage, and ſwore bitterly, *That he would not be hindered of his Deſign by any Thing they could ſay or do; but that he intended to begin the War in* France, *in a very ſhort Space of Time, let the Conſequence be what it would.* And thus, ſays our Authority, this Council was diſſolv'd with very great Heart-burnings on both Sides. However, leſt this Anſwer of the Barons to the King ſhould be forgot, or miſconſtrued, it was thought proper to reduce it into Writing; which, being in the Nature of a PROTEST, [39] is the firſt of that Kind we meet with in Hiſtory; we ſhall therefore give it at Length as follows:

The PROTEST of the Biſhops, Abbots, Priors, Earls, and Barons, againſt the King's Demand for Money.

‘ SINCE, by the King's Command, the Lord Arch- ‘ biſhop of *York*, the reſt of the Biſhops, Abbots, ‘ and Priors in *England*, by themſelves or Proxies, alſo ‘ all the Earls, and moſt of the Barons of *England*, have ‘ met at *Weſtminſter*, on the *Wedneſday* before the Pu- ‘ rification of the Bleſſed *Mary*, in the Year of our ‘ Lord One Thouſand Two Hundred and Forty-two, ‘ and in the Twenty-ſixth of the Reign of *Henry* III. to ‘ hear the Will and Pleaſure of the King, for which he ‘ ſummoned them: And the ſaid Lord the King ſend- ‘ ing unto them the ſaid Archbiſhop, with the Noble

‘ Lord

‘ Lord Earl *Richard*, and Maſter *Walter* of *York*, Pro- King *Henry* III.
‘ voſt of *Beverley*, as his ſolemn Meſſengers, to notify
‘ to them the King's Mind and Buſineſs, and to aſk the
‘ Advice and Aſſiſtance of the Lords in ſuſtaining his
‘ Hereditary Dominions beyond the Sea, that regard
‘ his Kingdom of *England:* Therefore the ſaid Bi-
‘ ſhops, Abbots, Priors, Earls, and Barons, taking the
‘ King's Meſſage into their ſerious Conſideration, re-
‘ turned the King, by the ſame Lords, this Advice,
‘ *viz.* That the King ſhould wait untill the Truce be-
‘ twixt him and the *French* King was expired; and if
‘ the ſaid King of *France* ſhould chance to enterprize
‘ any Thing againſt the Form and Tenor of the ſaid
‘ Truce, that then the ſaid King of *England* ſhould
‘ ſend unto him ſolemn Meſſengers to aſk Advice, and
‘ to put the ſaid *French* King upon holding the ſaid
‘ Truce, and forbearing thoſe Enterprizes, if they were
‘ made by him or by his Subjects. That if the ſaid
‘ *French* King refuſed to do this, that then they freely,
‘ to this Advice, would lend all their Aid and Aſſiſtance,
‘ which they all unanimouſly conſented to. Likewiſe,
‘ that ſince he had been their Sovereign Lord, they had
‘ many Times granted him Supplies; firſt, the thirtieth
‘ Part of all Moveables, after that the fiftieth, and then
‘ the ſixtieth; a fortieth Part on all Carucats and Hides
‘ of Land; many Scutages, and one very great Scutage
‘ for the Marriage of his Siſter to the Emperor. After [40]
‘ all this, truly four Years were ſcarce elapſed, but he
‘ again ſought another Aid, and at laſt, after much
‘ Intreaty, a thirtieth was alſo granted him; with this
‘ Condition, however, which he ratified by Charter,
‘ That neither this nor any former Exactions ſhould
‘ ſtand as Precedents for others. Beſides this, the King
‘ then granted to them, that all Liberties contained in
‘ *Magna Charta* ſhould, in a more ample Manner, be
‘ held thro' his Kingdom; and to that End gave them a
‘ ſmaller Charter in which it is ſo included. Add to
‘ this, that our ſaid Lord the King, of his own free Will,
‘ and by the Advice of his whole Aſſembly of Barons [m],
‘ granted

m The Word that *M. Paris* makes uſe of here, and in ſome other Places, is *Barnagium, Concilio totius* BARNAGII SUI; the Editor thereof, Dr. *Watts*, ſays in his *Gloſſary*, on this Word, That it is ſometimes wrote *Baronagio*, which, ſays he, every one knows to mean ſtrictly the Houſe of

King *Henry* III. granted to them, that all the Money rising from this thirtieth Part should be laid up safely in the King's Castles, under the Guardianship of four *English* Noblemen, the Earl *Warren* and others, by whose Direction and Advice the said Money should be disbursed for the Service of the King and Kingdom whenever it was necessary. And because the Barons never knew nor heard that the said Money was expended by the Advice and Consent of the aforesaid Lords, they do verily believe that the King is still possessed of that Money, and therefore cannot now have Occasion for more. They are likewise well acquainted that, since that Time, he has had so many Escheats, as that of the Archbishoprick of *Canterbury*, and other rich Bishopricks of *England*, as well as of the Lands of the deceased Earls, Barons, and Knights, who held of him; that, even by these very Escheats, he ought to have a large Sum of Money by him, if it was properly taken Care of. Besides, from the Time of giving that thirtieth Part, his itinerant Justices have not ceased to make their Circuits through all Parts of *England*, as well as with [41] Pleas of Forest, and with all other Pleas, so that every County, Hundred, City, Town, and almost every Village in *England*, has been grievously amerced; and by these Circuits alone great Sums of Money have been collected for the King's Use. From all which they can well aver, that the Kingdom is so burdened and impoverished, that they have little or nothing left for themselves. And because that our Lord the King, after the Grant of the last thirtieth Part, never kept to his Charter, therefore it more than usually troubled them; and since, by another Charter, he granted that these Exactions should not be made Precedents, therefore they positively made Answer to their said Lord the King, that they would not, for the present, grant him any Aid. Nevertheless, as they acknowledged him to be their Sovereign Lord, they should be willing to give him the best Advice in their Power, if

of Lords, or Upper House of Parliament. Whether they are Dukes, Marquisses, Earls, Viscounts, Barons; or, also, Bishops, and antiently Abbots and Priors who held their Baronies of the King. This seems a pretty strong Evidence, that the Commons of *England* had no Share in these Assemblies at that Time.

'if he would carry himself well towards them to the End of the said Truces.' King *Henry* III.

When the Lords, appointed for that Purpose, had waited upon the King with this Answer to his Demand, they returned to the Assembly, and told them, 'That 'the King desired to know of them, what they propose 'to do if the *French* King should break the Truce before 'the Expiration of it? They promised also, on the King's 'Part, that if he had injured any particular Baron, that 'he would make Reparation, as the Lord *Peter* of *Savoy*, and others of his Council, should think fit to advise.' To this the Lords reply'd, 'That if the King of '*France* should break the Truce, and would not forbear 'his Enterprizes, then their Counsel was the same they 'had given to be done at the End of the Truce, provided 'they were satisfied of the Truth of these Facts. As to 'that which related to particular Injuries received from 'the King, they would not, at that Time, enter into 'Pleadings with him about them. That, on the Grant 'of the last Thirtieth, the same Thing was promised on 'the King's Part, as well and faithfully, by *William de* '*Kele*; and how well the King had kept his Promises, 'he himself best knew.'

We shall not stop to make any Observations on these severe Remonstrances of the Barons to their Sovereign; let each Man pass his own Censure. It must be owned, however, that they treated their King very cavalierly in those Days; and the Historian we quote from does not at all mince the Matter in the Recital [n]. [42]

In

[n] *Matthew Paris*, a Monk of *St. Alban's*, was Historiographer to *Henry* the Third, and received an annual Stipend from him; he died in the Year 1259, the 43d of that King; his History was continued to the End of that Reign by one *William Rishanger*, who was also a Monk of that Abby, the King's Historiographer, and received *Matthew*'s Stipend. It must be owned that these Monks have done great Justice to the History of their own Times, and have neither spared King nor Pope in the Course of it; a Virtue rarely found in the Historiographers of these Days, whether Royal or Ecclesiastical.

But Dr. *Brady* observes, That the old Monk is here guilty of a great Piece of Inconsistency in his Account of this Meeting. He first mentions much ill and harsh Language which was given the King, by the Great Men, Face to Face; and in the Relation that immediately follows this, which *Paris* says was written as a perpetual Memorial of the Barons' Answer to the King, it appears that they never spoke or had Conference with the King, but heard his Pleasure, and the Business he had with them, from his Commissioners there named. Brady's *Compleat History*, p. 582.

King *Henry* III. Anno Regni 28. 1244. At *Weſtminſter*.

In the Year 1244, this King ſummoned another Aſſembly of the Great Men to meet at *Weſtminſter*; and ſitting in State amongſt them, in the Refectory of the Abbey, there, ſays *Paris*, 'With his own Mouth aſked 'a pecuniary Aid from them.' The King's private Intention was to reduce the King of *Scots*; but he openly pretended that having, by their Advice, paſſed into *Gaſcoigny* the Year before, by that Undertaking he had contracted great Debts, from which he deſired them to relieve him. The Barons anſwered, 'That they would 'conſult about his Propoſal.'

The Archbiſhops, Biſhops, Abbots, and Priors, withdrew by themſelves to treat of this Affair; and then they aſked the Earls and Barons to conſent to what they had reſolved upon; who anſwered, That they could do nothing without the whole Community. It was then agreed to by all, that from the Clergy ſhould be choſen this Committee, the Archbiſhop Elect, *Boniface*, of *Canterbury*; the Biſhops of *Wincheſter*, *William Ralegh*; *Lincoln*, *Robert Groſthead*; and *Worceſter*, *Walter de Cantilupe*: On the Part of the Earls, were Earl *Richard*, the King's Brother, Earl *Bygot*, the Earl of *Leiceſter*, *Simon Montfort*, and the Earl Mareſchal: Of the Barons Part, *Richard de Montfitchet*, *John de Baliol*, with the Abbots of *Ramſey* and *Bury*. What theſe twelve ſhould do was to be communicated to the whole, that nothing might be offered to the King which had not the common Aſſent.

[43]

Now, becauſe the Charter of Liberties, which the King granted ſome Time ago, and for which *Edmund*, the Archbiſhop of *Canterbury*, on Behalf of the King, had ſworn to obſerve, was in no wiſe kept; and becauſe the Aids that had ſo often been given before were not uſed to the Advantage of the King and Kingdom; and, likewiſe, by Default of the Chancellor, Writs were granted and iſſued, contrary to Juſtice; therefore it was deſired, 'That ſuch a Chancellor and 'ſuch a Juſtice might be choſen, as would fix the State 'of the Kingdom on its old Baſis.' The King, leſt he ſhould ſeem to do any Thing new by Compulſion, would not grant the Petition of the Nobles; but promiſed, 'That he would amend what he had heard was amiſs.' Upon this the Aſſembly was adjourned for three Weeks; and,

and if in the mean Time the King ſhould, of his own Accord, chuſe ſuch Counſellors that would manage the Laws and Rights of the Kingdom to the Satisfaction of the Nobles, then they deſigned to give him an Aid; yet ſo, that it ſhould be expended to the Advantage of the Kingdom, by the Advice of the Committee of Twelve before-mentioned. King *Henry* III.

When the King ſaw that he could do nothing with them all together, he tried the Clergy apart again; and having got the Pope's Letter to them, in which he required, admoniſhed, and exhorted them to give the King a liberal Donation of Money; their Anſwer was, 'That 'they were engaged, and could do nothing without the 'common Conſent of the Eſtates concerned with them.' An Anſwer very memorable, and which has been rarely imitated by the Clergy in ſucceeding Ages!

This Great Council had contrived a new Kind of Government, which they intended to have offered to, and put upon, the King; which was, that four of the moſt potent and diſcreet Men of the Kingdom ſhould be cho- [44]
ſen by common Aſſent, and ſworn of the King's Council, who ſhould tranſact all Affairs of the King and Kingdom, and ſhould do Juſtice to all without Reſpect of Perſons. Theſe Men were to follow the King, and two of them, at leaſt, were always to be preſent with him, that they might hear the Complaints of all Sufferers, and relieve them. The King's Treaſury was to be managed by them, and all Aids were to be laid out as they thought neceſſary for the common Good. They were to be Conſervators of the Liberties; and as they were choſen by common Aſſent, ſo they were not to be removed out of their Office but by the ſame common Aſſent; and when one died, another was to be choſen by the three Survivors. Without their Conſent the Great Council was not to meet; but if they ſhould think it convenient or neceſſary, it was to be convened at their Pleaſure.

This Project did not take Effect, becauſe the Counſels of the Clergy were diſtracted by the Pope's Legate, *Martin*, who came accidentally at that Time with Letters to require a great Sum of Money of them, in order to pay the Debt which had been contracted by his Predeceſſor, Pope *Gregory*, in the War for the Catholic Faith,

King *Henry* III. Faith, Eccleſiaſtical Liberties, and the Patrimony of the Church; and he ſuſpended all Men from preſenting to Benefices which were thirty Marks annual Value, or upwards.

The King orders the Biſhops to excommunicate all ſuch as ſhould violate *Magna Charta*.

The Great Men and Prelates met at *London*, according to the Time of Adjournment, to treat about the Demand of an Aid; where the King again renewed to them, and promiſed entirely to keep, the Charter of Liberties, which he had ſworn to at his Coronation; and gave the Biſhops Leave, in their reſpective Dioceſes, to excommunicate himſelf and all others that ſhould act contrary to its Intent in any Article. Yet, for all this, he could only obtain twenty Shillings of every Knight's Fee, of thoſe who held of the King *in Capite*, towards the Marriage of his eldeſt Daughter; Half to be paid at *Eaſter*, and the other Half at *Michaelmas* following.

Henry met with ſomewhat worſe Treatment from another Aſſembly of his Barons, called alſo in this very Year, 1244; when the King, ſays *Paris*, with great Earneſtneſs, not to ſay Impudence [n], demanded a pecuniary Aid of thoſe whom, adds this Author, he had ſo often injured in this Manner, and laughed at them for it. But this, we find, was as reſolutely denied, with one Accord, by the Barons, even to his Face, at a Time, when our Author owns, that the King was going with a very numerous Army to reduce *Wales*; in thoſe Days a very troubleſome Neighbour to the *Engliſh* Borderers on that Country.

[45]

Denied any National Aſſiſtance, it is no Wonder that this King became ſo poor and indigent, as to be obliged to ſtoop to ſeveral Meanneſſes for ſupplying his Coffers another Way. *Paris* writes, That he owed ſo much Money, and to ſo many People, for even the very Neceſſaries of Life, that he durſt ſcarce appear in Public for the Clamours of his Creditors [o].

Anno Regni 30. 1246. At *London*.

In a Parliament held at *London* in the Year 1246, there were ſome ſevere Laws made againſt ſuch as robbed

[n] *Inſtantiſſime, ne dicam impudentiſſime.* M. Paris, *ſub Anno* 1244.

[o] This King's Defence againſt his ſturdy Barons, in relation to their ill Uſage of him, was undertaken by Sir *Robert Cotton* in a ſmall Treatiſe, called, *A ſhort View of the long Reign of King* Henry III. *London*, 1642, a Time when Altercations of the ſame Sort paſſed betwixt King *Charles* and his Parliament: And yet this ſame Sir *Robert Cotton* made a very warm Speech in the firſt Year of that King's Reign, againſt the Grievances then complained of.—This Speech will appear under its proper Date.

bed Parks or Warrens. If the Malefactor fled, and was killed in the Purſuit, there was neither Law nor Appeal allowed for his Death. If any Earl, Baron, or Knight complained to the King that his Deer were ſtolen, an Inquiſition was made by the King's Writ; and if he that was indicted was convicted of the ſame, he was to lie in the King's Priſon a Year and a Day, and to pay three Years Value of his Eſtate, having juſt ſufficient allowed out of it to maintain him; after which the King was to have two Parts, and he that received the Injury one; then the Convict was to find twelve Sureties that he ſhould never do the like again, in Parks, Warrens, or Foreſts, nor do any other Thing againſt the King's Peace; of all which his Sureties were to anſwer for his Body and Tranſgreſſions. Alſo, if any one was taken in a Park or Warren, without the King's Writ of Inquiſition, he was to be impriſoned, fined, and to give Sureties as before. King *Henry* III. [46]

But, in this ſame Year, a moſt general Parliament [p], ſays *Paris*, of the whole Kingdom, met at *London*, according to Summons, about an Eccleſiaſtical Affair of the utmoſt Conſequence to the Nation. It ſeems the Pope had been ſtrongly ſollicited by the King to remove ſeveral Grievances which were greatly complained of, and which he had promiſed to reform. The Subſtance of theſe Grievances was as follows [q]: Anno Regni 30. 1246. At *London*.

1. 'That the Pope, not content with the Payment 'of *Peter-Pence*, oppreſſed the Kingdom, by extorting 'from the Clergy great Contributions, without the 'King's Conſent; againſt the antient Cuſtoms, Liberties, 'and Rights thereof; and againſt the Appeal of the Proc'tors of the Kingdom, in a General Council at *Lyons*.

2. 'The Church and Kingdom were greatly injured, 'in that the Patrons of Churches could not preſent fit Per'ſons to them, becauſe they were given by the Pope's 'Letters to *Italians*, who underſtood not the *Engliſh* 'Language, and carried all the Money out of the King'dom, to the great Impoveriſhment of it.

3. 'The Nation was oppreſſed by the Pope's Exac'tion of Penſions from Churches, and by *Italians* ſuc'ceeding *Italians*.

4. 'The

[p] *Parliamentum generaliſſimum*, viz. *Prælatorum, tam Epiſcoporum quam Abbatum et Priorum, Comitum quoque et Baronum.* M. Paris.

[q] M. Paris, *Anno* 1246. *Annal. Mon.* Burton, p. 307.

King *Henry* III. 4. 'The *Engliſh* were forced to proſecute their Rights,
'out of the Kingdom, againſt the Cuſtoms and written
'Laws thereof; and againſt the Indulgences granted by
'the Pope's Predeceſſors to the King and Kingdom of
'*England*.

5. 'The Church and Kingdom infinitely ſuffered by
'reaſon of the Clauſe of *non obſtante*, which weakened
'and enervated all Oaths, antient Cuſtoms, written
'Laws, Grants, Statutes, and Privileges. And,

6. 'That in the Pariſhes where the *Italians* were
'beneficed there were no Alms, no Hoſpitality, no
'Preaching, no Divine Service, no Care of Souls, nor
[47] 'any Reparations done to the Parſonage-Houſes.'

The King, in Conſideration of theſe Papal Uſurpations, had ſummoned this Parliament; and at the Meeting conferred with the Biſhops apart, the Earls and Barons apart, and the Abbots and Priors apart, in order to find out their Sentiments, and the propereſt Way to get theſe Grievances removed. The Reſult of all was to try the mildeſt Way with the Holy Father; and it was agreed that the King ſhould write ſingly to him, the Biſhops by themſelves, the Earls and Barons by themſelves [r], and the Abbots and Priors by themſelves. All which Letters are preſerved by *M. Paris*, and, by their humble and ſubmiſſive Stile, evidently ſhew that the Fear of the *Vatican* Thunder, Bulls, Interdicts, &c. was terrible in thoſe Days. Notwithſtanding theſe reaſonable Remonſtrances to the See of *Rome*, we do not find that they produced any Effect, for the Grievances complain'd of continued through the Courſe of this whole Reign.

Anno Regni 32. 1248. In the Year 1248 was called, by the King's Writ, another Aſſembly of the Nobles to meet at *London*, in order, ſays our Author, to treat of the Affairs of the

At *London*. Kingdom, at that Time ſadly diſturbed and much impoveriſhed. There came to this Meeting, beſides the Barons,

r The Preamble to the Barons' Letter runs thus: *Sanctiſſimo Patri in Chriſto cariſſimo*, J. *Dei Gratia univerſalis Eccleſiæ ſummo Pontifici, devoti Filii* Richardus *Comes* Cornubiæ, Simo de Monteforti *Comes* Leyceſtriæ, Willielmus de Ferrariis *Comes* Derbeiæ, Humphredus de Bohun *Comes* Hereſordiæ *et* Eſſexiæ, Rogerus de Bigot *Comes* Norfolkiæ, Richardus *Comes* Glouceſtriæ *et* Hertfordiæ, Richardus *Comes* Winton, Willielmus *Comes* Albemarliæ, Henricus *Comes* Oxoniæ, *et alii totius* Angliæ *Barones, Proceres, et Magnates, ac Nobiles, Portuum Maris Habitatores, necnon et Clerus et Populus, Salutem*, M. Paris, *Annal.* Burton.

Barons, Knights, Noblemen, Abbots, Priors, and a great Body of the Clergy, nine Biſhops; alſo Earl *Richard* the King's Brother, the Earls of *Glouceſter*, *Leiceſter*, *Wincheſter*, *Hertford*, *Roger Bygot* Earl Mareſchal, the Earl of *Oxford*; likewiſe the Earls of *Lincoln*, *Ferrers*, *Warren*, and *Peter* of *Savoy*, Earl of *Richmond*. *Boniface*, Archbiſhop of *Canterbury*, was not at this Meeting, he being engaged at that Time abroad in ſome Affairs with the Pope. The old Demand, the Want of Money, was urged again at this Time, and the ſame Murmurings began on the Part of the Barons againſt it. They ſaid, 'They admired the King did not bluſh at 'making ſuch a Demand of them; becauſe he had gi- 'ven them his Charter, when the laſt Demand was 'granted, to which the Lords ſcarcely conſented, that 'he would not again load his Subjects with ſuch Exac- 'tions: That he was greatly to blame for his indiſcreet 'calling over of Foreigners, on whom all the good Things 'of the Kingdom were ſcandalouſly and prodigally wa- 'ſted: That even the Daughters of the Nobility were, 'by his Means, married to ignoble Strangers, without 'their mutual Conſent, which is the Cement of Matri- 'mony; and his own natural-born Subjects ſet aſide and 'deſpiſed. He was blamed alſo, and not undeſerved- 'ly, ſays *Paris*, that whatever in Eatables, Drinkables, 'or even in his Robes, but particularly in Wines, that 'he uſed, his Cuſtom was to take them by Force from 'the lawful Owners and Venders of them; by theſe 'Means greatly injuring his own Subjects, as well as 'foreign Merchants who brought Goods into this King- 'dom. And thus Trade, by which Nations enrich 'each other, would be ruined [s]: That the Nation was 'ſcandalized and impoveriſhed, the Merchants got no- 'thing from the King but Law-Suits, or ſome mean 'Trifle in Return, whence Thouſands of terrible Curſes 'are called down on him, to the Danger and Diſgrace 'of the whole Kingdom. Moreover, that, in order to 'get greater Gifts and Premiums from theſe Merchants, 'he had ſeized upon their Wax, Silks, and other Mer- 'chandize, in order to make them pay for the Return; 'to the Diſhonour of himſelf and the whole Kingdom; 'not without grievous Offence to God. That, in all 'theſe

King *Henry* III.

[48]

[s] A remarkable Notion of the Advantage of Trade even in thoſe Days!

King *Henry* III. ‘ theſe Things, he ſo tyrannized, and ſtudied to be cruel, ‘ that even the poor Fiſhermen on the Sea-Coaſts, who ‘ take Herrings, or other Fiſh, were not permitted to ‘ diſpoſe of them according as they liked, nor dare the ‘ Inhabitants of the Towns on the Sea-Coaſts purchaſe ‘ them; but the poor Men thought it ſafer to put to Sea
[49] ‘ with them, even in ſtormy Wheather, in order to diſ- ‘ poſe of them in foreign Markets. That theſe miſerable ‘ Traders were ſo cruelly treated by the King's Collectors, ‘ that Puniſhment was added to Loſs; for after receiving ‘ Injury upon Injury in their proper Perſons, their Carts ‘ and Horſes were taken away from them, and driven ‘ into ſecret Places. That he kept in his Hands ſeveral ‘ rich Biſhopricks and Abbacies, founded by their pious ‘ and noble Progenitors, and made himſelf both Guar- ‘ dian and Governor of them, to their utter Deſtruction; ‘ contrary to the ſolemn Oath which he, principally, ‘ ſwore at his Coronation. Laſtly, the King was very ‘ much blamed, by all and ſingular the Complainants, ‘ that he had neither Chief Juſtice, Chancellor, nor ‘ Treaſurer in his Council, as he ought to have, and as ‘ his moſt Noble Predeceſſors had before him; but thoſe ‘ Officers he had were allowed to do their own Will and ‘ Pleaſure, provided he gained thereby; not promoting ‘ the Public Good, but ſeeking only their own Prefer- ‘ ment, being ſuffered to get as much Money as they ‘ could, provided his Cuſtoms and Rents were but firſt ‘ paid.’

The King, when he heard all this, was much con- founded within himſelf, and aſhamed, ſays *Paris*, be- cauſe he knew it all to be very true. He promiſed, therefore, ‘ That, certainly and truly, all theſe Faults ‘ ſhould be amended;’ hoping by this Humility, tho’ it was feigned, to bend their Hearts to the granting his Demand more eaſily. But the Barons, more exaſperated at this ſeeming Complaiſance, anſwered again, ‘ All this ‘ will be made manifeſt in a little Time; we have ‘ waited hitherto patiently, and as our King carries to ‘ us, ſo we in all Things will behave towards him.’ Thus, adds our Author, Matters were delayed and poſtponed, from *Canalemas*, when this Convention met, to the Feaſt of St. *John Baptiſt*, to which Time they were prorogued.

In

In the mean while the King, either of his own Head, or by the Advice of his Courtiers, who could not bear the leaſt Retrenchment of the Prerogative, became more hardened and more exaſperated againſt his Barons; ſo that the aforeſaid Grievances ſtill remained unredreſs'd. King *Henry* III. [50]

At the Day appointed all the Nobility met again at *London*, and were received by the King with the following Speech: Anno Regni 32. 1248. At *London*.

My Lords and Peers of *England*,

YOU are all of you willing, I find, to have my Mind bent to your own Wills, and have not treated your King at all civily in this Matter. You would have me ſubmit to your Pleaſure, and yield to any Terms that you think fit to offer. By this you impoſe a very ſlaviſh Condition on me, and deny me that Liberty and Authority which every Maſter exerciſes in his own Family. For, ſurely, every Maſter of a Family may uſe whoſe and what Counſel he pleaſes; and, in his own Houſe, put in or put out what Officers he thinks fit; yet all this you preſume to deny to your Lord and King. As Servants, therefore, ought not to judge or impoſe any Difficulties on their Maſters, ſo neither ſhould Vaſſals any on their Prince. The Servant is not above his Lord, nor the Diſciple above his Maſter; *and what is your King more than your Servant, if he is to obey your Commands? Therefore my Reſolution is, neither to remove the Chancellor, Juſticiary, nor the Treaſurer, at your Pleaſure; nor will I appoint any other. I expect a ſufficient Aid of Money from you for the Defence and Recovery of my Rights beyond Sea, in which you are alſo equally concerned.* The King's reſolute Speech againſt the Remonſtrances of the Barons.

To this ſmart Speech from the Throne, the Barons unanimouſly returned this ſhort Anſwer, 'That they 'would no longer impoveriſh themſelves, to enrich 'Foreigners, as they had formerly done, when they 'gave Money for the King's Expedition into *Gaſcoigny* 'and *Poictou*.' And thus this Parliament was diſſolved without any Satisfaction either to their Sovereign or themſelves: But the King was hereby reduced to ſo great a Neceſſity, that he was obliged to expoſe to Sale his Jewels, Plate, and other rich Utenſils of his Houſe; which Veſſels, though they were curiouſly wrought and

King *Henry* III. gilded, were not sold according to their Value, but Weight. The King had the Curiosity, says *Paris*, to inquire who could buy those rich Vessels; he was answered, they were sold at *London*; *Yes*, says the King, *I know very well, that if the Riches of* Octavius Cæsar *were to be sold, the City of* London *is able to buy it all: Those* London *Clowns, who call themselves Barons*, adds he, *are so full of Riches, that they are glutted with them; that City is an inexhaustible Spring of Wealth.*' Upon this Occasion, says our Author, the King took it into his Head to fleece them, which he afterwards did most effectually.

[51]

It was three Years after this before the King thought fit to call another Parliament. We may stile it now a *great Parliament*, because our Author, *Matthew Paris*, calls it here so, for the very first Time[t]. From whence we may reasonably conclude, that this Word *Parliament*, of *Norman* Extraction, was then come into Use. And, indeed, if this Appellation is derived, as the Lord *Coke* says, from *speaking one's Mind*, it could not be applied to any Period of Time, or to any Reign, more properly than to This we are now treating of.

Anno Regni 35. 1251. In *March*, 1251, a great Parliament was held at *London*, in which *Henry de Bath*, Chief Justice of *England*, was called upon to answer to several Crimes and Misdemeanors alledged against him. The King himself was his Prosecutor, and therefore his Adversaries loaded him the heavier. The King was very angry with the Justice, that he came thither, as it were, guarded by a great Number of armed Men of his Wife's Kindred and his own, as well as all his Servants; he accused him more highly than the rest, laying to his Charge, amongst other Things, *That he was a Disturber of the whole Kingdom, by exasperating all his Barons against him, from which a general Sedition might be expected.* Therefore the King caused it to be proclaimed by the common Cryer at *London*, and in Court, that if any Person had any Cause of Action, or Complaint, against *Henry de Bath*, they should come into Court before the King's Presence, and there they should be fully heard. By these Means many Complaints were urged against him; and one of his own Brother Justices openly protested,

At *London*.

[52]

[t] *Eodem Anno*, scil. 1251, *habitum est* Parliamentum *magnum* Londini. M. Paris.

ed, That he suffer'd a very great Villain, imprison'd and convict, to escape unpunished, having received several very rich Gifts for that Purpose; an Offence of very great Prejudice to the King's Authority, and no small Danger and Scandal to the rest of the Justices his Brethren. Upon which, says *Paris*, the King being much provoked, mounted up on High, and called out with a loud Voice, *That if any Man whatsoever will kill* Henry de Bath, *he shall be acquitted of his Death, and I pronounce him acquitted accordingly*; and then the King withdrew hastily. There were many present, adds *Paris*, that would have done this Lord of *Bath*'s Business for him soon, had not the Lord *John Mansel* interposed, and prudently check'd their Fury. 'My Lords and Friends, 'says he, I am not against prosecuting him, but it is 'not necessary at all to be thus in Anger; perhaps our 'Lord the King, by this Time, repents his thundering 'out this rash Expression: Besides, if you lay violent 'Hands on *Henry*, behold the Bishop of *London* will 'excommunicate you, and his Military Friends may 'revenge his Death.' Thus, in a great Measure, their Fury was appeased; and Earl *Richard*, with the aforesaid Bishop, taking up the Matter, Things were carried with more Moderation against him. The King being afterwards privately informed, that there might be some Gain in the Case, and a certain Sum of Money being promised, the Prisoner was released both from Death and Bondage; and in a very short Time after, on the Payment of 2000 Marks, was reconciled to the King, and entered again into his Office, as if nothing had happened. King *Henry* III.

It does not appear that any Demand of Money was made, or any other Business done at this Parliament.

In another great Convention of the Estates of the Realm, which met, by Summons, at *Westminster*, at the latter End of the Year 1252, and continued, by Adjournment, till after *Easter*, in the Year following, the Exactions of the Pope on the Clergy of *England* was the great Subject of Complaint; in regard that, besides his other Claims, he had now demanded a Tenth of all the Goods of the Clergy for his own Use. The History we quote from does not mention what was done to alleviate this Complaint; and only adds that, at Anno Regni 36. 1252. At *Westminster*. [53]

King *Henry* III. the next Meeting, by Adjournment, a Curſe was denounced, in the moſt ſolemn Manner, by the Archbiſhop of *Canterbury*, and thirteen other Biſhops, *in Pontificalibus*, againſt all and ſingular Perſons that ſought to infringe the Liberties of Holy Church, and thoſe of the Great Charters. This Ceremony was performed before the King in the Great Hall at *Weſtminſter*; the Form of the Sentence, or *Anathema*, itſelf is preſerv'd in the *Annals* of *Burton*, and in one or two more of our old Hiſtorians, under this Year; and, no doubt, was a terrible Piece of Church Thunder in thoſe Days [u].

A ſolemn Excommunication pronounced by the Biſhops in Parliament againſt ſuch as violate the Great Charters.

The

[u] We ſhall give it in its own Language as follows:

Anno Gratiæ M.CC.LIII. *tertio Idus* Maii, *in majori Aula Regia* Weſtmonaſterii, *ſub Præſentia & Aſſenſu Domini* H. *Dei Gratia Regis Angliæ illuſtris, & Dominorum* R. *Comitis* Cornubiæ *Fratris ſui*, R. *Comitis* Norfochiæ & Suthfochiæ, *Mareſcalli* Angliæ, H. *Comitis* Hereford, H. *Comitis* Oxoniæ, J. *Comitis* Warren, *& aliorum Optimatum Regni* Angliæ, *nos* B. *divina Miſeratione* Cantuarienſis *Archiepiſcopus totius Angliæ Primas*, F. Londonienſis, H. Elyenſis, R. Lincolnienſis, W. Wigornenſis, W. Norwicenſis, P. Herefordenſis, W. Sareſbyrienſis, W. Dunelmenſis, R. Exonienſis, S. Carleolenſis, W. Bathonienſis, L. Roſſenſis, Th. Menevenſis *Epiſcopi, Pontificalibus induti, Candelis accenſis, in Tranſgreſſores Libertatum Eccleſiaſticarum, & Libertatum, ſeu liberarum Conſuetudinum Regni* Angliæ, *& præcipue earum quæ continentur in Charta communium Libertatum Regni et Charta de Foreſta, Excommunicationis Sententiam ſolemniter tulimus ſub hac Forma:*

'Auctoritate Dei omnipotentis, Patris & Filii, & Spiritus ſancti, & gloriosæ Dei Genitricis ſemperque Virginis *Mariæ*; beatorum Apoſtolorum 'Petri & Pauli, omniumque Apoſtolorum; beati *Thomæ* Archiepiſcopi & 'Martyris, omniumque Martyrum; beati *Edwardi* Regis *Angliæ*, omni'umque Confeſſorum atque Virginum, omniumque ſanctorum Dei, Ex'communicamus, Anathematizamus, & a Liminibus ſancti Matris Eccleſiæ 'ſequeſtramus omnes illos qui amodo ſcienter & malitioſe Eccleſias priva'verint vel ſpoliaverint ſuo Jure: Item omnes illos qui Eccleſiaſticas Li'bertates, vel antiquas Regni Conſuetudines approbatas, & præcipue Li'bertates & liberas Conſuetudines, quæ in Chartis communium Liberta'tum & de Foreſta continentur, conceſſis a Domino Rege Archiepiſcopis, 'Epiſcopis, & ceteris *Angliæ* Prælatis, Comitibus, Baronibus, Militibus, '& libere Tenentibus, quacumque Arte vel Ingenio violaverint, infrege'rint, diminuerint, ſeu mutaverint, clam vel palam, Facto, Verbo, vel 'Conſilio, contra illas vel earum aliquam in quocumque Articulo temere 'veniendo. Item omnes illos qui contra illas vel earum aliquam Statuta 'ediderint vel edita ſervaverint, Conſuetudines introduxerint vel ſerva'verint introductas, Scriptores Statutorum, necnon Conſiliarios, & Exe'cutores, & qui ſecundum ea præſumſerint judicare. Qui omnes & ſinguli 'ſuperius memorati hanc Sententiam incurſuros ſe noverint ipſo Facto, 'qui Scienter aliquid commiſerint de prædictis: Qui vero Ignoranter; niſi 'commoniti, infra quindenam a Tempore Commonitionis ſe correxerint, '& Arbitrio Ordinariorum plene ſatisfecerint de Commiſſis, ex nunc ſint 'hac Sententia involuti. Eadem etiam Sententia innodamus omnes illos 'qui Pacem Regis & Regni præſumſerint perturbare.'

In cujus Rei Memoriam ſempiternam Nos Signa noſtra præſentibus duximus apponenda.

M.

The next Year King *Henry* went with an Army into *Gascoigny*, and there recovered what had been taken from him in that Country. During the King's Absence, in the Year 1254, another Parliament was held in *London*, but it does not appear how summon'd, to which came, as special Messengers from the King, these Noblemen, the Earl Mareschal *Roger Bygot*, and *Gilbert de Segrave:* There were present at this Meeting the Queen, *Richard* Earl of *Cornwall* the King's Brother, the Earl of *Winchester*, and all the Bishops of *England*, except the two Archbishops, and the Bishops of *Durham* and *Bath*, who were with the King in *Gascoigny*. The Assembly being all met, the King's Prolocutor and Messenger rose up and said,

King *Henry* III.

[54]

Anno Regni 38. 1254.

My Lords and Friends,

IN whose Breast the King, our Master, places his Confidence, nor hath he any other Refuge to fly to but to his faithful Subjects. You all know very well how he has exposed himself, with Courage and Constancy, to the Dangers of the Sea, and to the uncertain Fate of War, for the Good of his Kingdom. He found abroad the Enemy very formidable and strong against him; some Part of them he has already subdued, and the rest he hopes to conquer. The King of Castile, *whom he expected to have found his very good Friend, as well as Kinsman, was his bitterest Enemy, and proved very unfaithful to him; to whom the* Gascoigners *were greatly inclined, and would rather have a* Spaniard *for their King, than their own natural Lord; therefore the King, being in a great Strait, demands from you a powerful and sufficient Aid to assist him.*

The Lords Commissioners Speech in the King's Name for an Aid.

Some of the King's Messengers brought also with them, as Proofs of the King's Danger, Javelins of a monstrous Size, called Quarrels, which were thrown from Cross-Bows; the Arches of these Bows were proportionably made of small Timbers put together, and the

M. Paris relates, That at the End of this Sentence, when the Prelates cast down their Tapers, extinguished and smoking, with this Execration, 'So may all that incur this Sentence be extinguished and stink in Hell;' the King immediately subjoined, So help me God, I will keep all these 'Things inviolate, as I am a Man, as I am a Christian, as I am a Knight, 'as I am a King crowned and anointed.'

King *Henry* III. Hafts of the Spears, says our Author, alluding to that of *Goliah*, like a Weaver's Beam. Earl *Richard*, that he
[55] might set an Example to the rest, first answered, and testified his Steadiness, says *Paris*, very heartily in this memorable Saying, 'I, that am more powerful and 'more obliged than the rest of you, will assist my Lord 'and Brother as much as I can, and therefore I will 'keep, at my own Expence, 300 Soldiers, by the Year, 'to fight for him.' The Earl of *Glouceſter* promised also an Aid to the King according to his Power; adding, 'That he would in no wise help the King to con-'quer Countries, but would assist him against the King 'of *Castile* if he assaulted him.' In this Manner also Earl *Richard* couched his Promise, saying, 'If Things 'really be as they are reported.' At these Words the whole Assembly took Fire, and discovering the Snare that was laid for them, cried out, 'Oh! What mean 'Arts and specious Pretences do our Superiors make 'Use of to deceive us? Hath not the King called the 'Queen and his eldest Son and Heir both weak and 'cowardly, because they do not come to him? which 'by no Means they ought to do, if the King of *Castile* 'and he are at such Variance; he ought rather, if he 'had them with him, to send them back into *England* as 'a Place of Safety. Has he not spoke lately of an ex-'traordinary Marriage to be contracted between them? 'All he speaks is a flat Contradiction.' Thus the King made himself appear faithless to all the Assembly, which immediately broke up without doing any Thing, and Earl *Richard* sent an Account of it to his Brother [m].

Anno Regni 38. 1254. Not long after this, and in the same Year, another Assembly of the Nobles was called to meet at *London*; the Writs sent to the Sheriffs are still extant [n], directing

At *London*. them to return two legal and discreet Knights, chosen by the rest in each County, to act in Behalf of them all, in order to consult with all the other Knights of Shires summoned also to appear before the King's Council at *Westminster*, and to provide such an Aid as they should be willing to grant to the King in his urgent Necessity. The King, under his Royal Signet, sent an Account to this

[m] A Copy of the Earl's Letter to the King is preserved in the *Additamenta* of *M. Paris*.

[n] Claus. 38 *H.* III. m. 12. d. m. 7. d. m. 13. d. *&c.*

this Parliament of his extreme Want of Money, in order, as he said, to enable him to withstand the Force of a very great Enemy coming against him. To this he was answered by all and singular, says *Paris*, 'That [56] 'they had waited now full three Weeks in *London*, in 'Expectation of seeing Earl *Richard*, and the rest of the 'Nobles who were gone over to the King into *Gascoigny*; 'and that they were so often grieved with these Exac- 'tions, that they could not live under them: That they 'would not refuse to go to the King's Assistance in Per- 'son, if they were better assured that the King of *Castile* 'was coming against him as an Enemy; tho' they could 'not but wonder, that when *Simon* Earl of *Leicester* 'went into *Gascoigny* and subdued a great Party of Re- 'bels, that the same King of *Castile* did not at that Time 'assist them, in Opposition to the Interest of *England*.' King *Henry* III.

With these and many more such Reasons as were urged in the last Parliament, as well as being told the real Truth by *Simon* Earl of *Leicester*, who was then come back from abroad, the Nobles, says *Paris*, escap'd the Snare laid for them. This subtle Vapour, adds he, was said to arise from the stinking sulphurous Spring of *Poictevin* Counsels; and the Nobles, with great Indignation, tho' very sorrowful at these Proceedings, retired.

It appears, by the Course of this History, that the Barons were right in their Conjectures about the King of *Castile*, and that he was no such dangerous Enemy as *Henry* represented; for, very soon after this last Meeting, a Marriage was actually consummated betwixt Prince *Edward*, the King of *England*'s eldest Son, and the Princess *Eleanor*, Sister to this *Alphonsus* King of *Castile*, *&c.* The *Spanish* King gave up all Title whatsoever that he had to *Gascoigny*; and *Henry* settled that Province, with all *Ireland* and *Wales*, *&c.* upon his Son Prince *Edward* on the Marriage.

In the succeeding Year, 1255, about *Easter*, soon after the King's Return from abroad, another Parliament was called to meet at *London*. *Paris* writes, that there never was seen such a Number of the Nobility, both Ecclesiastics and Seculars, as were met together at that Time. The King acquainted them with the great Debts he had contracted, and that without their Assistance he could not Anno Regni 39. 1255. At *London*.

King *Henry* III. not discharge them, and therefore, with much Earnestness, demanded a pecuniary Aid for that Purpose [o].

[57] This Parliament proved full as resolute against the King as any or the former. They began with recounting old Grievances; and withall demanded that the Chief Justice, Chancellor, and Treasurer, might be chosen by the Common Council of the Kingdom, as had been justly and antiently used; and likewise that they might not be removed but for the most apparent Crimes, and by the Deliberation and Consent of the whole Kingdom. Concluding with this extraordinary Expression, 'That 'they should never be able to bind their *Preteus* of a 'King, without he granted all that they demanded.' But this the King resolutely refused; on which the Barons declared that Business should be deferred untill the *Michaelmas* following; and this Council adjourned themselves to that Time.

Anno Regni 39. 1255. The same Year, on the Feast of *St. Luke*, the Nobility of the Kingdom met again, by Adjournment, at *Westminster*. Here the King first attacked his Brother

At *Westminster*. *Richard*, Earl of *Cornwall*, and earnestly pressed him to give him an Aid of Money; to whom the Pope also had wrote, requiring him to lend his Brother 40,000, (without saying whether Pounds or Marks) that he might set a pious Example to others. But *Richard* regarding his Money more than either his Brother's Wants or the Pope's Letters, and being vexed at him for going into *Apulia*, wheedled thither by *Italian* Artifices, without the Consent of him or his Baronage, fairly refused him the Loan [p]. And when the King moved the Matter to the rest, they replied, 'That, at that Time, all had 'not been summoned according to the Tenor of their 'Great Charter, and therefore they would then make no 'Answer, or grant any Aid without the rest of the Peers.' This Parliament, says the Monk, by many fictitious De-

[58] lays, was continued a Month, whilst the Nobles were emptying their Purses at *London*; and then returned home without doing any Business.

In

[o] The *Annals* of *Burton* call the Aid that the King demanded at this Meeting HORNGELT, which *Skinner* defines *Tributum olim pro cornutis Animalibus in Regis Salta pascua pendi solitum*; *ab A. S.* HORN *Cornu, et* GILD *Solutio*. *Skinner*'s Etymolog.

[p] *Matt. Paris* relates, that this Earl's Treasure was so great, that he could spend 100 Marks every Day for ten Years together.

In the Year 1257 another Parliament was called to meet at *Weſtminſter*, about *Eaſter*, in order to treat of the Buſineſs of *Apulia* [q]. To this Meeting, ſays *Paris*, came ſuch a Multitude of Perſons, of all Sorts, that *London* ſcarce could contain them. It ſeems that the Crown of *Sicily*, and ſmall Territory of *Apulia*, in *Italy*, had been offered to Prince *Edmund*, the King's ſecond Son, by the Pope the Year before, provided the King would recover *Sicily* from the Hands it was then in. This had been refuſed by the States, as a foreign Country not worth the Trouble and Expence of recovering [r]; and *Apulia* now was rejected in the ſame Manner, though the King came in Perſon to this Parliament with his Son *Edmund*, clad in an *Apulian*, or *Italian* Habit, ſays *Paris*, in order to induce their Compliance. In this Parliament *Richard* Earl of *Cornwall*, the King's Brother, took Leave of the Peers, and ſoon after ſet out for *Germany* to be crowned King of the *Romans*; to which Dignity he had been elected ſome Time before.

King *Henry* III. Anno Regni 41. 1257. At *Weſtminſter*.

The Year following, 1258, and about the ſame Time, a Parliament was again ſummoned to meet at *London*. The King was preſſed by the Pope on the Subject of *Apulia*, for it ſeems he had ſent a Kind of a Legate to demand the Money which, upon the King's Requeſt, he had obliged himſelf to pay to the Merchants for that Buſineſs. The King demanded a very large Sum to clear himſelf of this Matter, which the Barons ſtiffly denied to aſſiſt him with: And in this Parliament there aroſe great Heats and Contentions between the King and the Barons, who made great Complaints againſt him. 'They ſaid that he ſlighted the Keys [s] and Power of 'the Church, and did not obſerve the Tenor of his 'Great Charter; that he had raiſed to Dignities and 'Riches his Half Brothers, againſt Law and Right, as 'if they had been the natural People of the Land, and 'would not ſuffer any Writ to iſſue out of Chancery 'againſt them: That although the Pride of his Brothers and

Anno Regni 42. 1258. At *London*.

[59]

[q] *Apulia* is a Diſtrict in *Italy*, now call'd *Puglia*.

[r] The Reaſons of the Peers for rejecting this Propoſal are drawn up by Dr. *Brady*, in his complete Hiſtory of *England*, Vol. I. p. 616, from the *Annals* of *Burton*.

[s] The Anathema, denounc'd in Parliament againſt the Violators of MAGNA CHARTA, [See before p. 52, 53.] was confirmed by the Bull of Pope *Innocent* IV. the Year following. *Annals* of *Burton*, p. 331.

King *Henry* III. 'and other *Poictevins* was intolerable, yet *William de* '*Valence* exceeded them all.' *Simon Montfort*, Earl of *Leiceſter*, taking Advantage of theſe Diſputes, complained aloud, not to the King, but to the whole Aſſembly, 'Calling for Juſtice; and charged the King with 'promoting and enriching Strangers, deſpiſing and waſting his own People, to the Subverſion of the whole 'Kingdom; by which Means he became unable to repel the Injuries of ſo inconſiderable a People as the '*Welſh*.

At this Parliament it was that the King, coming into the Houſe, found all his Barons in Armour, and with Swords by their Sides. They laid them by, indeed, when he entered; but the King being much ſurprized at this ſtrange Sight, aſked them, with ſome Emotion, what they meant by it, and if he was their Priſoner? *Roger Bygot*, a Man of great Warmth and Inſolence, anſwered, No; but that they were determin'd to have all *Poictevins* and Strangers baniſhed out of the Kingdom: Upon which great Heats and Debates aroſe, and continued for ſome Time, when the Parliament was adjourned to be holden at *Oxford* on the Feaſt of St. *Barnabas* following: But, before the Adjournment, the Barons promiſed the King, 'That if he would reform the State of the Kingdom, ac'cording to their Advice, and the Pope would make the 'Conditions about the Affair of *Sicily*, *&c.* more eaſy, 'ſo that it might be proſecuted with Effect, they would 'then endeavour to procure him a common Aid, or 'Tax, for that Purpoſe.' The King agreed ſo far, that, before *Chriſtmas* next coming, the State of the Kingdom ſhould be rectified by them and the Pope's Legate, if in *England*; and, for the Performance of what ſhould be ordained, he put himſelf into the Pope's Power, ſo as he might compel him to it, which Way he pleaſed, by Eccleſiaſtical Cenſure; and to this he made his Son *Edward* ſwear that he would obſerve and keep what he had granted.

At the ſame Time he likewiſe granted to the Barons, that the State of the Kingdom ſhould be rectified and reformed, by twelve faithful Perſons of his Council then choſen, and twelve others to be choſen by the Barons, who ſhould meet at *Oxford*, a Month after *Whitſunday* next coming, to do every Thing that they ſhould ſee fit

to

to the Honour of God and the Good of the Kingdom. The King promiſed inviolably to obſerve whatſoever ſhould be ordained by thoſe Twenty-four, or the Majority of them, under ſuch Security as they ſhould direct. He made his Son *Edward* ſwear alſo to theſe Articles, and that he would inviolably keep and obſerve them; whereupon, ſays *Paris*, the Earls and Barons, on their Parts, promiſed to endeavour that the Parliament ſhould grant him an Aid [t].

King *Henry* III. [60]

Theſe Twenty-four had Power to elect four that were to chuſe the King's Council, which was to redreſs and amend all Matters appertaining to the King and his Kingdom; and the Council, or the greater Part of it, was to chuſe one or more in the Place of ſuch as ſhould make Default, *&c.* [u].

On the Feaſt of St. *Barnabas* all the Great Men and Nobles arrived at *Oxford*, according to their Adjournment, but came attended by all ſuch as owed them Military Service, which made it ſeem as if they expected ſome extraordinary Enemy to deal with. They ſought to cover this Proceeding, however, by ſaying, That they came thus armed, in order, afterwards, to go and attack the King's Enemies the *Welſh*: But their true Reaſon was for Fear of the King's Half Brothers and the *Poictevins* drawing them into a Snare. However, Matters went better than they imagined, for, in this Parliament, all the Elections mentioned before were made; and the Twenty-four choſen to amend and reform the Kingdom were, firſt, theſe [w]:

Anno Regni 42. 1258.

At *Oxford*.

For the KING.	For the BARONS.
1. The Biſhop of *London*.	1. The Biſhop of *Worceſter*.
2. The Biſhop Elect of *Wincheſter*.	2. *Simon Montfort*, Earl of *Leiceſter*.
3. *Henry*, the King's Nephew.	3. *Richard* Earl of *Glouceſter*.
4. *John* Earl of *Warren*.	5. *Guido*

t The King's Declaration, that he would ſubmit to ſuch Regulations in the State as twenty-four of the Barons ſhould agree upon, is printed in *Rimer*'s *Fœd.* Vol. 1. p. 655.

u A Copy of this original Agreement in *French*, is printed in Dr. *Brady*'s *Appendix*, Vol. I. N°. 190.

w The following Liſts, *&c.* are preſerved in the *Annals* of *Burton*; *Inter Hiſt.* Ang. *Script.* V. *Fol.* Oxon, 1684; and copied from thence by Dr. *Brady*.

King *Henry* III.

For the KING.

5. *Guido de Luſignan.*
6. *William de Valence.*
7. *John* Earl of *Warwick.*
8. Lord *John Manſel.*
9. Friar *John de Derlington.*
10. The Abbot of *Weſtminſter.*
11. *Henry de Wengham*, Dean of St. *Martin's*, *London.*

The 12th omitted; but ſuppoſed to be either the Abp. of *Canterbury*, *Peter* of *Savoy*, or *James Audley.*

For the BARONS.

4. *Humphrey* Earl of *Hereford.*
5. *Roger* Earl of *Norfolk*, and Earl Mareſchal.
6. Lord *Roger Mortimer.*
7. Lord *John Fitz-Geoffry.*
8. *Hugh Bygot*, Brother to the Earl Mareſchal.
9. Lord *Richard de Gray.*
10. Lord *William Bardolph.*
11. Lord *Peter Montfort.*
12. Lord *Hugh Deſpenſer.*

[61]

Theſe Twenty-four choſe four of their own Number, who were to name the King's Council; and were theſe,

The Earl of *Warwick.*
John Manſel.
Roger Earl Mareſchal.
Hugh Bygot, his Brother.

Theſe four named the King's Council, who were fifteen in Number.

1. The Abp. of *Canterbury.*
2. The Biſhop of *Worceſter.*
3. The Earl of *Leiceſter.*
4. The Earl of *Glouceſter.*
5. The Earl Mareſchal.
6. *Peter* of *Savoy*, Earl of *Richmond.*
7. The Earl of *Albemarle.*
8. The Earl of *Warwick.*
9. The Earl of *Hereford.*
10. *John Manſel.*
11. *John Fitz-Geoffry.*
12. *Peter Montfort.*
13. *Richard de Gray.*
14. *Roger Mortimer.*
15. *James Audley*, or *Aldithelege.*

The Noblemen that compoſed the Grand Committee of Twenty-four demanded of the King,

[62]

'*Firſt*, His Confirmation of the Charter granted by King *John*, his Father.

'*Secondly*, They requir'd ſuch a Juſticiary to be conſtituted as would do Juſtice to ſuch as ſuffer'd Wrong, as well to the Poor as the Rich.

'*Thirdly*, That they ſhould chuſe the Judges, Chancellors, Treaſurers, and other Officers and Miniſters, from Year to Year, for ever.

'*Fourthly*,

'*Fourthly*, That they themſelves, or Friends, ſhould have the Cuſtody of the King's Caſtles. King *Henry* III.

'*Fifthly*, By Edict, they made it Capital for any, of what Degree or Order ſoever, to refuſe to conſent to theſe Things; and againſt ſuch the Archbiſhops and Biſhops alſo pronounced Sentence of Excommunication.'

Theſe Twenty-four alſo ordained, That there ſhould be three Parliaments in a Year, and when and how they ſhould be holden. This Order, tranſlated from the Original *French*, is as follows:

BE IT REMEMBERED, *That the Twenty-four have ordained, That there ſhall be three Parliaments in a Year; the firſt, on the* Octaves, *or eight Days after St.* Michael; *the ſecond, on the Morrow after* Candlemas-Day; *the third on the firſt Day of* June; *that is, three Weeks before St.* John. *To theſe three Parliaments ſhall come all the choſen Counſellors of the King, whether ſummoned or not, to provide for the State of the Realm; and to treat of the common Buſineſs of the Realm, when Need ſhall be, by the Command of the King, or by his Summons.*

The whole Community then choſe Twelve Perſons to repreſent them in theſe Parliaments, *&c.* to ſave the Charges of the Community. The Entry, or Record, of which Election was to this Purpoſe:

BE IT REMEMBERED, *That the Community have choſen Twelve wiſe Men to come to Parliaments, and at other Times when there ſhall be Need, when the King and his Council ſhall command or ſend for them, to treat of the Buſineſs of the King and Realm, and that the Community will hold for eſtabliſhed what the Twelve ſhall do, and this ſhall be done to ſpare the Coſt or Charges of the Community.* [63]

Which Twelve *Probes Hommes*, *Viri probi vel prudentes*, as the Record has it, were entered in this Form:

Theſe are the Twelve which are choſen by the Barons, eſlu par lez Baruns, *to treat in the three Parliaments in a Year, with the King's Council, for all the Commons, or whole Community of the Land*, pur tut le Commun de la Terre, *upon public Buſineſs*. Their Names were theſe;

The Biſhop of London,
The Earl of Wincheſter,
The Earl of Hereford,
Philip Baſſet,
John Baliol,
John de Verdun,

John

King *Henry* III. John de Gray, Hugh Deſpenſer,
Roger de Sumery, Thomas de Greſley,
Roger de Montalt, Ægidius de Argenton °.

Many other Proviſions were made in this Parliament about Feudal Tenures, Cuſtody of Wards, Marriages, and Eſcheats; about Suits to the King's Courts before Juſtices Itinerant, County Courts, Hundred Courts, Sheriffs Turns, Writs of Right, Waſte of Eſtates in Cuſtody, Taking off Diſtreſſes, *&c.* all in Abatement, adds Dr. *Brady*, of the Rigour of the Feudal Law, and for their own Eaſe and Benefit P.

All this was done, and Commiſſions for the Government of the King's Caſtles were iſſued out in eleven Days Time, as appears by the Record of them, printed in Dr. *Brady*'s *Appendix*, N°. 191, 2, 3, which, for their extraordinary Tenor, are worth the Obſervation of the Curious.

The laſt Thing the Barons went upon in this Parliament, after they had gained ſuch large Conceſſions from the King, was to think of an Aid for him. Accordingly the whole Body of them choſe twenty-four Perſons who were to treat, ſeparately, of this Affair; the
[64] Names of whom are preſerved in the *Annals*, before quoted, and are as follow:

The Biſhop of *Worceſter*,	*John de Gray*,
The Biſhop of *London*,	*John de Baliol*,
The Biſhop of *Saliſbury*,	*Roger Mortimer*,
The Earl of *Leiceſter*,	*Roger de Montalt*,
The Earl of *Glouceſter*,	*Roger de Sumery*,
The Earl Mareſchal,	*Peter Montfort*,
Peter of *Savoy*,	*Thomas de Greſley*,
The Earl of *Hereford*,	*Fulco de Kerdiſton*,
The Earl of *Albemarle*,	*Ægidius de Argenton*,
The Earl of *Wincheſter*,	*John Kyriel*,
The Earl of *Oxford*,	*Philip Baſſet*,
John Fitz-Geoffry,	*Ægidius de Erdington.*

But

° Dr. *Brady* obſerves, That theſe Twelve and the King's Council were only to be preſent in theſe Parliaments: That they were all Barons and great Tenants *in Capite*; not one *Commoner*, ſuch as are now ſo reputed, being amongſt them.

P *Vide Annal. Burton*, p. 414, &c. clauſ. 44 *H.* III. m. 17 dor. The Rolls of Parliament begin with this Convention, or Parliament, and the Proviſions about Feudal Tenures, on all the Articles recited above in the Text, are entered there.

But *Matthew Paris* writes, That instead of granting or providing an Aid for the King, now when they had got their own Turn served, they sought to distress him more, by driving his Brothers from him. The Names of these Uterine Brothers to the King [q] were *Ademar*, or *Athelmar*, Elect Bishop of *Winchester*, *Guy de Lusignan*, and *William de Valence*; nor were they well pleased with the Behaviour of Prince *Edward*, his Son, *John* Earl of *Warren*, and *Henry*, his Nephew, Son to the King of the *Romans*, who had all boggled at the Association Oath which the whole Community of them had taken. The Form of this Oath to be taken by the whole Body, the Oath of the Twenty-four, with those of the Chief Justice and Chancellor, may be seen in their original Language in the *Annals* of *Burton*, p. 413, translated by Dr. *Brady* in his complete History of *England*, Vol. I. p. 629; and are therefore unnecessary here. King *Henry* III.

Thus ended this famous Parliament at *Oxford*, in the Year 1258-9, which afterwards got the Name of *Parliamentum Insanum*, or the Mad Parliament; because, says an Historian, many Things were there enacted which caused the Death of several of the Nobility afterwards. We shall not stop to make any Reflections on the Conduct of either Party, our Readers are at Liberty to judge for themselves; but whatever Concessions the Barons wrested from the Crown, at this Meeting, they quickly lost again by their too-violent Proceedings. [65]

Nor were the Barons that were added to the King's Council, by these Provisions, over hasty to execute their Part of this solemn Agreement. We find that the Year after, 1259, whilst the King was keeping the Feast of St. *Edward*, at *Westminster*, in a very grand Manner, a Deputation from all the Batchelors [y], or young Men, of *England*, came to Court and represented to Prince *Edward*, the Earl of *Gloucester*, and others of the Council, sworn at *Oxford*, 'That the King had actually and totally

[q] These Princes were the Children of *Isabel* the King's Mother, after the Death of King *John*, by *Hugh le Brun*, Earl of *March*, to whom she had been contracted before her Marriage with *John*. Mat. West. An. 1258. *M. Paris* writes, That there were 20,700 Pounds and 30,000 Marks spent on the King's Half Brothers. He begged some that told him of this to say no more: *Oh, for the Head of God*, his Oath, *say no more of it, lest the very Relation make Men wonder and stand amazed.*

[y] *Communitas Bachelariæ Angliæ. Annal. Monast. Burton*, p. 427, *et sequent.*

King *Henry* III, 'tally fulfilled and compleated all and ſingular Acts, 'Obligations, &c. which the Barons had impoſed on him 'at *Oxford*; and that the ſaid Barons had done nothing 'on their Parts for the Good of the Public, as they had 'promiſed, but only minded their own private Intereſts, 'and had every where diſtreſs'd the King's Affairs; and 'that, if this was not ſuddenly amended, they would ſee 'it reformed ſome other Way.' To which the Prince immediately anſwered for himſelf, 'That as he had un-'willingly taken a certain Oath at *Oxford*, yet he was 'ready, on his Part, to enforce the ſaid Oath, and to 'venture his Life for the Commonalty of *England*, and 'the general Good, according to the Tenor of the ſaid 'Oath.' Then, turning to the Barons of the Council, he told them, 'That unleſs they would immediately ful-'fill the ſaid Oaths, he would himſelf ſtand by the Com-'monalty, even to Death, and force them to it.' The Barons finding, at length, that they could not avoid making good their Promiſes, and chuſing, adds our Authority, rather to do it of themſelves than be compelled to it, publiſhed the Body of Laws, called *Proviſiones Baronum*.

[66] Theſe Laws in the *French* Tongue are contained in nineteen Articles, but are much too long to inſert in our Hiſtory. The Concluſion of them runs thus:

The Barons Proviſions. *Theſe are the Purveyances and Eſtabliſhments made at* Weſtminſter, *in Parliament, by the King and his Council, and the Twelve, choſen by common Aſſent of the whole Community of* England, *which were then at* Weſtminſter, *in the Year of the Reign of* Henry, *the Son of King* John, *forty and three.*

The National Buſineſs went on under this Form of Government for ſome Time: The Barons having driven the King's Brothers and all the *Poictevins* clear out of the Kingdom, and excuſed the Matter, as well as they could, to the Holy See, in a ſubmiſſive Letter to the Pope for that Purpoſe, thought now they had the King and Kingdom intirely to themſelves, and might rule both according to their own Will and Pleaſure. But the King's Affairs were not in ſo bad a State as they imagined; the King of the *Romans*, his Brother, came over to his Aſſiſtance; who, with Prince *Edward*, and many Nobles more, maintained the Royal Cauſe; whilſt *Simon*

Simon Montfort, Earl of *Leiceſter*, at the Head of the other Barons, endeavoured to ſupport the *Oxford* Proviſions; which occaſioned the waſting and burning each other's Caſtles, Lands, and Eſtates, all over the Kingdom. However, by the Mediation of the Queen, a Treaty was ſet on Foot, and Matters were ſomewhat accommodated betwixt the King and his Barons; but it did not laſt long; for *Henry* deſpairing to gain any Aid from them, and willing to ſhake off the Yoke they had impoſed on him at *Oxford*, ſent to the Pope for an Abſolution from the Oaths he had taken on that Occaſion. The Pope grants his Requeſt, and not only abſolved the King, but all others who had taken Oaths for that Purpoſe, giving for Reaſon, that, by this Diſſolution of all that had paſſed, they might ſooner come to an Accommodation [a].

King *Henry* III.

The Pope abſolves the King, &c. from the Oaths taken to ſupport them.

Upon this the King calls another Parliament to meet again at *Oxford*, according to *M. Paris*; but the Record ſays at *Weſtminſter*, about the 12th of *June* this Year [b]. Parliaments, indeed, are frequent, but very confuſed about this Time; and well they might, when this was held juſt on the Brink of a Civil War between the King and his Barons. But it is ſomewhat ſtrange, that neither in the Record of this Parliament nor the former, there is any Mention made of theſe Feuds and Animoſities, nor is there one Word relative to the *Oxford* Proviſions in them. This, like the former Meeting, chiefly tending to regulate ſome Matters in the Common Law, ſuch as Suits in Lords' Courts, Sheriffs' Turns, Judges itinerary, &c. The Records themſelves being thus ſilent in the more public Affairs of the Nation, we muſt have Recourſe to the old Hiſtorians of theſe Times, who tell us, That at this preſent Meeting the King propoſed to his Nobles, *That ſince both he and they had all been too warmly drawn in to make the former Proviſions, and ſince the Pope had abſolved both him and them from their Oaths taken on that Occaſion, he hoped they would take hold of the Benefit of that Abſolution*, &c. *and let all Things be reſtored to their antient*

Anno Reghi 47. 1262.

At *Oxford*.

[67]

[a] The King's Declaration that he is abſolved from his Oath, and does not think himſelf under any Obligation to obſerve the Regulations made by the Barons at *Oxford*, is printed in *Rymer's Fœd.* Vol. I. p. 746.

[b] Pat. 47 *H.* III. m. 14. in ſchedula dorſ.

King *Henry* III. *tient Uſage.* The Lords [c], who were preſent at this Meeting, unanimouſly replied, for themſelves and their Followers, 'That the Proviſions which were made, 'and which they were bound by Oath to keep, they 'were reſolved to adhere to, to the End of their Lives; 'looking upon them to be equally conducive to the 'Good of the King and Kingdom.' Whilſt theſe Things were going on to an open Rupture betwixt the King and his Barons, ſome Biſhops interpoſed, who, with ſome other common Friends to both Sides, brought Matters ſo to bear between them, that the Deciſion of the whole Affair was left to the Judgment of the King of *France*. Some Time after, in the ſame Year, the *French* King called a Parliament of his Biſhops and Nobles at *Amiens*; where, deliberating gravely on this Buſineſs, he at laſt gave Sentence for *Henry* againſt the Barons, diſannulled the *Oxford* Proviſions, and reſtored his Brother King to his priſtine State. But *Simon Montfort*, Earl of *Leiceſter*, taking an Exception, 'That he did not hereby abrogate King *John*'s Charter, declared, That the Proviſions were founded on that Charter, and therefore he would not ſubmit to the *French* King's Sentence [d].'

The King of *France* diſannuls the Barons Proviſions.

The Civil War now broke out with Violence, the King being very unfortunate at the Beginning of it; for not long after happened the Battle of *Lewes* in *Suſſex*, where the King's Army was routed, and he, with his Brother *Richard*, King of the *Romans*, were taken Priſoners, with many Barons. This Battle was fought *May* 14, 1264. *M. Weſtminſter* writes, That King *Henry* had a Horſe killed under him in it [e].

[68]

The King taken Priſoner at the Battle between him and the Barons.

And now *Montfort*, having the King in his Poſſeſſion, did with him as he pleaſed; he cauſed him to ſend out Commiſſions to conſtitute and appoint Keepers and Conſervators of the Peace in all the Counties of *England*. And in the Body of theſe Commiſſions there was a Precept

[c] *Henry Knyghton* has given us the Names of ſome of the Lords that compoſed this Meeting, *viz.* *Simon* Earl of *Leiceſter*; *Gilbert de Clare*, Earl of *Glouceſter*; *Humphrey de Bohun*, jun. Earl *Ferrers*; amongſt the Barons were *John Fitzjohn*, *Henry de Haſtings*, *Geoffry Lucy*, *John Veſcy*, jun. *Nicholas de Segrawe*, *Hugh le Spenſer*, and *Robert Tipton*. Decem Script. *H. A.* col. 2446.

[d] The Award of *Lewis* the *French* King, between the *Engliſh* King and his Barons, is alſo in *Rymer*, Vol I. p. 776.

[e] *Rex Angliæ, Equo electiſſimo ſub ſe confoſſo, captus eſt.*

cept directed to every one of these Conservators, to send four of the most legal and discreet Knights, of each County, to be chosen by the Assent of that County, to serve for the whole, to meet the King at *London*; to be there on the Octaves of the Holy Trinity at fartheſt, to treat with the King, his Prelates, Great Men and others, about his own Business, and the Business of the Nation. King *Henry* III.

As this is the first Time we can, with Certainty, find when the Gentry or Commons of *England* were called to Parliament to consult with the King, the Bishops, and Barons, on the State of the Kingdom, it will not be amiss to be a little particular about it. Tho' indeed it will be in vain to expect to find any Traces of the antient *English* Constitution of Parliaments from a Convention, summoned at the arbitrary Will of a Rebel, composed of such as would best serve his Purpose, none else being called to it; for King *Henry* was then in Custody of the Earl of *Leicester*, and under his Power; *Richard*, King of the *Romans*, a Prisoner in the Tower; their two eldest Sons Prisoners and Hostages in *Dover* Castle; the Barons that adhered to the Royal Cause, for that Time subdued; so that the whole Power of the Kingdom was then in the Earl of *Leicester* and his Abettors[1]. It seems the Earl and his Friends had projected a new and still a stronger Scheme for the Reformation of the Government, and they seemed to want the Consent of the whole Nation to give it a Sanction; for which Reason these four Knights, to be chosen out of each County, were first thought of. Dr. *Brady* and other Writers, on the Side of Prerogative, call this an Innovation of the antient Custom of sitting in Parliament, and absolutely deny that the Commons were ever called before. The Doctor says, That the Scheme of Government here invented was no less than to unking the King; and there was an Instrument ready drawn against the Meeting of this Parliament for that Purpose. Anno Regni 48. 1264.

S. Montfort summons the Commons to Parliament, in the King's Name.

[69]

1 Mr. *Rymer* has taken Care to distinguish the Acts of State the King was obliged to make during his Captivity, so as to be easily known from the others, from p. 790 to 815. *Fœdera Ang.* Tom I.

In the Parliament Rolls, Rot. Pat. 48 *H.* III. m. 2. dorso No. 14, there is an Abstract in *French*, but without any Date, of an Award said to be made by the King, the Prelates, Earls, and Barons, only, of the Land, *de la Terre*, giving Satisfaction to Holy Church, for divers Depredations made upon her Territories during these Troubles.

King *Henry* III. Purpose. The Instrument itself is printed in Dr. *Brady's Appendix* [g], and an Abstract given of it in his History [h], to both which we refer those that will concern themselves in the Controversy. It is, however, undeniable that, if this Form of Government had taken Effect, the Regal Power would have been entirely eclipsed, and the King in a worse State of Vassalage than the meanest Subject.

On the other Hand, Mr. *Prynne* and Mr. *Petyt* are strenuous Advocates for the Rights of the Commons of *England*; asserting, That they were always consulted from the earliest Account of Government in this Island. But, as we have touched upon this Controversy in the *Exordium* to this Work, we shall content ourselves, and we hope our Readers, with noting that the Arguments on both Sides are best drawn up by the aforesaid Dr. *Brady* [i] and Mr. *Petyt* [k], to which we refer. Observing farther, That we should have been glad to have cleared up this Matter on the Side of the Commons in the former Part of this Work, had we but met with any authentic Testimony of it from the Conquest to this Period.

To proceed then with our History.——

It cannot be amiss, in this Part of it, to give our Readers, at Length, the Form of the Writ of Summons directed to the respective Prelates, Abbots, Priors, and Barons, which were to constitute this Parliament; as also the Substance of the Precept directed to the Sheriffs for the electing the Knights, Citizens, and Burgesses, that were to sit amongst them; for it does not yet appear that the latter made then a separate House, or acted as such. This then being the first Precedent we have upon
[70] Record of a Parliament, constituted as at this Day, a Copy of the Summons from the *Fœdera Anglicana* deserves particular Notice [l].

It

g N°. 213. Pat. 48 *H.* III. m. 6. dorso.

h P. 643, 644.

i In his Introduction to the old *English* History, from f. 136 to 143. Fol. *London*, 1684.

k Petyt's *Jus Parliamentarium*. Fol. *London*, 1734.

l *Ad Consultandum cum eodem* Simone *Regem captivum ducente, quidam Episcopi, nonnulli Barones, Abbatum, & Priorum inaudita turba, necnon & Specialiores per Comitatus & Burgos usquequaque selecti Complices convocantur, per hoc* Simonis *mandatum, in Nomine Regis.*

Henricus,

It does not appear that this Parliament, so called, with the Commons included, who were to sit to do Business, on the 21st of *January*, 1264, at *London*, did ever meet for that Purpose: It is probable the intestine

King *Henry* III.

Henricus, *Dei Gratia, Rex* Angliæ, *Dominus* Hiberniæ, *& Dux* Aquitaniæ, *Venerabili in Christo Patri* R. *eadem Gratia, Episcopo* Dunelmensi, *Salutem.*

Cum, post gravia Turbationum Discrimina dudum habita in Regno nostro, Charissimus Filius Edwardus, *Primogenitus noster, pro Pace in Regno nostro assecuranda & firmanda obses traditus extitisset; & jam sedata (Benedictus Deus) Turbatione prædicta, super Deliberatione ejusdem salubriter providenda, & plena Securitate & Tranquillitate Pacis ad Honorem Dei & Utilitatem totius Regni nostri firmanda & totaliter complenda; ac super quibusdam aliis Regni nostri Negotiis, quæ sine Consilio vestro & aliorum Prælatorum & Magnatum nostrorum nolumus expediri, cum eisdem Tractatum habere nos oporteat.*

Vobis Mandamus, rogantes in Fide & Dilectione quibus nobis tenemini, quod, omni Occasione postposita & Negotiis aliis prætermissis, sitis ad nos London' *in Octabis Sancti* Hilarii *proxime futuris; nobiscum & cum prædictis Prælatis & Magnatibus nostris, quos ibidem vocari fecimus, super præmissis tractaturi & Consilium impensuri: Et hoc, sicut Nos & Honorem nostrum & vestrum, necnon & communem Regni nostri Tranquillitatem diligitis, nullatenus omittatis.*

Teste Rege apud Wigorniam, 14 *Die* Decembris.

Eodem Modo Mandatum est

Episcopo Karliolensi, *Abbati S.* Mariæ Eboraci, *Prioribus* Dunelmensi, & S. Trinitatis Eboraci, *Abbatibus de* Seleby, Furnes, Fontibus, Ryevalle, Melsa, Rupe, Bella Landa, *Prioribus de* Bridlington, & S. Oswaldi, *Abbati de* Rufford, *Prioribus de* Blyda, Thurgarton, & Carleolensi, *Abbati de* Whiteby, *Priori de* Guiseburn, *Archiepiscopo* Eboracensi, *Priori de* Parco, *& Decano* Eboracensi.

Eodem Modo Mandatum est subscriptis, viz.

Episcopis London. Winton, Exon. Wygorn. Lyncoln. Elien. Sarum, Covent. & Lich. & Cicestren. *Electo* Bath. & Welles, *Decanis* Exon. *de* Welles, Sarum, & Lyncoln.

In Forma prædicta scribitur Abbatibus & Prioribus subscriptis sub hac data.

Teste Rege apud Wodestocke *vicesimo quarto Die* Decembris.

Abbatibus Sancti Edmundi, *de* Waltham, & *de* Sancto Albano, *Electo de* Evesham, *Abbatibus* Westmonasterienſi, Glastonensi, *de* Reding, *de* Cirencester, & *de* Waverle, *Prioribus* Elienſi, Norwic. & *de* Merton. *Abbati de* Oseney, *Priori* S. Frideswidæ Oxon. *Abbati de* Messenden, *Priori de* Lenton. *Abbati de* Bello, *Prioribus Ordinis de* Sempringham, *de* Watton, & Hospitalis S Johannis Jerusalem *in* Anglia, *Magistro* Militiæ Templi *in* Anglia, *Abbatibus* Ramesiensi, *de* Burgo, *de* Thorney, *de* Crouland, Cestriæ, Salop, *de* Hulmo, *de* Bardenei, & *de* Colcestre, *Priori de* Dunstaple, *Abbatibus de* Bello loco, Parco Iude, Stanlegh, Lillesthul, & Bittlesden, *Prioribus de* Beuver, & *de* Lenton, *Abbati de* Clervaus, *Priori de* Stodeley, *Abbatibus* S. Augustini Cantuar. & *de* Certesie, *Priori* S. Trinitatis Cantuar. *Abbatibus de* Hida juxta Winton. Middleton, Cerne, Abbotesburie, & Tavistoke, *Priori de* Huntingdon, *Abbatibus de* Suleby, Wardon,

King *Henry* III. Troubles at that Time prevented it. But in the next Year, 1265, and the 49th of King *Henry* III. was the famous Parliament called; which, with another in the 18th of *Edward* I. were certainly the Models, or Patterns, of our present *English* Parliaments.

[71]

The

Warden, S Jacobi Northamp Leiceſtre & Kirkeſtet, *Prioribus de* Eton, & Cruce Royſia, *Abbatibus de* Kirkeſtal, & Tame, *Prioribus de* Bermondeſſie, & Bernwell *Abbatibus de* Meriavall, S. Auguſtini, Briſtol. *de* Malmeſburie, Michaelnei, Abindon, S. Petri Glouc. *de* Perſhore, & *de* Wynchecumbe, *Prioribus de* Coventr. Sancto Neoto, & S. Swithini Wynton, *Abbati de* Leſnes, *Prioribus de* Leedes, Landa, Spalding, S. Barthol. London, & *de* Kenelworth *Abbatibus de* Oſolveſtone. & *de* Tenlceſburie, *Priori de* Finſheved, *Abbatibus* Middletone, *de* Valiadei, & *de* Croxton.

Item, in Forma prædicta Mandatum eſt Comitibus & aliis ſubſcriptis.

Dat. apud Wodeſtocke, 24 *Die* Decembris.

Comitibus Leiceſtr. Glouceſtr. Norfolc. & *Mareſcallo* Angliæ, Oxonienſi, & Derb. Rad. *de* Camoys, Rogero *de* S. Johanne, Hugoni *de le* Spenſer, *Juſtic.* Angliæ. Johanni *Filio* Johannis, Willielmo *de* Munchenſy, Nicholao *de* Segrave, Johanni *de* Veſcy, Radulpho Baſſet, (*de* Drayton) Henrico *de* Haſtings, Galfrido *de* Lucy, Roberto *de* Ros, Johanni *de* Eyvill, Adæ *de* Novomercato, Waltero *de* Colevill, Wilhelmo Marmyun, Rogero Bertram, Radulpho Baſſet, (*de* Sapcote) Gilberto *de* Gaunt.

Item, Mandatum eſt ſingulis Vicecomitibus per Angliam, *quod venirefaciant* DUOS MILITES *de Legalioribus & Diſcretioribus Militibus ſingulorum Comitatuum, ad Regem* Lond. *in* Octab. *prædictis in Forma ſupradicta.*

Item, in Forma prædicta ſcribitur Civibus Ebor. *Civibus* Lincoln & *cæteris Burgis* Angliæ, *quod mittant in Forma prædicta* DUOS *de Diſcretioribus & Legalioribus & Probioribus tam* CIVIBUS *quam* BURGENSIBUS *ſuis.*

Item, in Forma prædicta Mandatum eſt Baronibus & Probis Hominibus Quinque Portuum, prout continetur in Brevi irrotulato inferius.

Rex Vicecomiti Suſſex, *Salutem.*

Summonito per quatuor Legaliores Milites de Comitatu tuo prædicto Petrum *de* Sabaudia *apud* Pevenſeiam, Johannem *de* Warrena *apud* Lewes, & Hugonem *de* Bygod *apud* Boſcham, *quod ſint coram Nobis & Conſilio noſtro, in proximo Parliamento noſtro* Lond. *primo Die* Junii, *Juſticiam faciuri & recepturi.*

Et in pleno Comitatu tuo proclamari facias, quod quicunque ad Opus prædictorum Petri Johannis & Hugonis *interim procurare ſeu impetrare voluerit ſalvum & ſecurum Conductum noſtrum ad Nos veniendi, morandi, & ſtandi recti in Curia noſtra, ſi quis verſus eos loqui voluerit ſecure veniat. Et Nos Conductum hujuſmodi ei fieri faciamus. Et habeas ibi Nomina quatuor Militum & hoc breve.*

Teſte Rege apud Weſtmon.

Per Conſilium.

Eodem Modo Mandatum eſt Vicecomiti Hertfordiæ *de Summon.* W. *de* Valence *apud* Brekendon.

Per totum Conſilium.

The Buſineſs of this Parliament was chiefly to treat about Prince *Edward*'s Releaſe, at that Time a Priſoner in *Dover* Caſtle. But, whatever elſe was done at it, this was not effected, for he was not releaſed untill ſome Time following, and then was but a Priſoner at large, carried about by *Montfort*, with his Father, whereſoever he went, who now directed all the Affairs of the Kingdom at his own Pleaſure. But Prince *Edward* having found Means to eſcape, ſoon raiſed an Army, and, by a matchleſs Piece of Conduct, came upon the Earl of *Leiceſter* and his Forces, near *Eveſham*, in *Worceſterſhire*, routed them, ſlew the Earl and his eldeſt Son, with many more Barons, and releaſed his Father from a Bondage worſe than Death [m].

King *Henry* III.

[72]

Anno Regni 49. 1265.

A ſecond Battle, in which the Barons are routed.

Thus did this ambitious Earl and his Adherents, by graſping at too much, loſe all; and the great Conceſſions they had gained were levelled with the Ground. The Battle was fought on the 5th of *Auguſt*, this Year, and on the 8th of *September* following the King called a Parliament to meet at *Wincheſter*; where, by their Advice, the Liberties of the City of *London* were ſeized, and the greateſt Offenders committed to Priſon, to be puniſhed at the King's Pleaſure [n]. This Parliament gave the King alſo all the Rebels Lands; and, by their Advice, he appointed two Commiſſioners in each County, who, with the Sheriffs, were to extend them, and return the Extent, with the Names of the Lands, and their Owners, to him at *Weſtminſter*, by the 13th of *October* following [o]. The Commiſſion bears Date at *Wincheſter*, *Sept.* 21; and *Paris* adds, That the King diſinherited all thoſe that ſtood for *Montfort* againſt him, and gave their Lands to thoſe who had faithfully ſerved him.

The King calls a Parliament,

Anno Regni 49. 1265.

At *Wincheſter*.

[73]

This ſevere Sentence of the Earl of *Leiceſter*'s Followers was ſtrictly put in Execution; but the Cry of the Sufferers was ſo great, that it induced the Pope's Legate, *Ottoboni*, then in *England*, to take their Caſe into his Protection. To this Purpoſe he requeſted the King to call

[m] The King had like to have been ſlain himſelf at this Battle, being grievouſly wounded by a Dart thrown at him by Miſtake; the Earl having cauſed him to be dreſſed that Day in a Suit of his own Armour. *Knyghton.*

[n] *Ob ſuam Rebellionem.* M. Paris.

[o] See the Form of the Writ of Summons at large in Dr. *Brady*'s *Appendix*, N°. 223. Ex. Pat. 49 *H.* III. m. 8. dorſo.

King *Henry* III. call a Parliament, which he granted, and it was summoned to meet at *Kenelworth*, *Auguſt* 22, 1266 p. Here it was agreed, by the common Aſſent of the Biſhops, Abbots, Priors, Earls, Barons, and all others, (we find the Commons here, if they met, but ſlightly mention'd) that ſix Perſons, *viz.* The Biſhop of *Exeter*, the Biſhop of *Bath*, the Biſhop Elect of *Worceſter*, Sir *Alan Zouch*, Sir *Roger de Sumery*, and Sir *Robert Walerand*, by their Oaths there made, ſhould chuſe ſix others, who would, according to their Judgments, do the beſt for the Security and Peace of the Land. To theſe Twelve were committed the Caſe and Facts of the Diſinherited, with full Power from the King and Parliament to hear and determine all Matters concerning them; which Determination was called the *Dictum de Kenelworth*. If there aroſe any Difference between the Twelve, that was only to ſtand good and firm which received the Aſſent and Approbation of the Legate and *Henry*, Son to the King of the *Romans*; and they were to finiſh their Work by the Feaſt of *All Saints*.

Anno Regni 50. 1266.

At *Kenelworth*.

This Determination and Award was made to better the Condition of the Diſinherited, and to turn the Forfeitures and Loſs of their Eſtates into a Compoſition for them; and therefore,

'All who began the War and perſevered in it;

'All who violently and maliciouſly kept *Northampton* 'againſt the King;

[74]

'All that fought againſt the King at *Lewes*;

'All that were taken at *Kenelworth* under the Com- 'mand of young *Simon Montfort*, had plundered *Win- 'cheſter*, or were in any other Place againſt the King, 'which he had not pardoned;

'All fighting againſt him at *Eveſham*;

'All that were in the Fight at *Cheſterfield*;

'All that freely ſent their Service, that is, Horſe and 'Arms, againſt the King or his Son;

'All Bailiffs and Servants of the Earl of *Leiceſter*, that 'plundered their Neighbours, burnt their Houſes, or 'killed them, or did any other Miſchief;

Should pay five Years Rents of their Lands, and if they paid it, they were to have their Land again. The Money was to be paid at two or three ſhort Payments, and

p Pat. 50 *H.* III. m. 9. dorſo.

and if they paid the whole, then all their Land was de- King *Henry* III.
livered; if half, then half; if a third Part, then equal; and if they were not able to pay, the Lands were to remain in the Hands the King had given them to, till the Money was raiſed; and out of theſe Compoſitions, by the Perſuaſions of the Arbitrators, the King was to gratify his own Friends.

The Earl *Ferrers* and *Henry Haſtings* were to pay ſeven Years Profits of their Lands.

Thoſe who had committed leſſer Crimes than the above recited, compounded; or were fined three Years, two Years, one Year, or half a Year's Rent of their Lands, according to the Nature of their Offences; thoſe that had no Lands were fined in Goods.

All Obligations, Writings, or Inſtruments, made by the King, or his Son, concerning the *Oxford* Proviſions, or made or entered into by any of the King's faithful Subjects, by reaſon of the Troubles, were made null and void by this Award: Whereby it was declared, that the King might and ought to exerciſe his Royal Power and Authority, without the Let or Contradiction of any one; by which, contrary to the Laws and Cuſtoms of the Land, which had long ſubſiſted, his Royal Dignity might have been injured; yet the Great Charter, and the Charter of the Foreſt, were to remain in full Force by this Judgment.

The Commiſſioners alſo requeſted the King and Legate, that, under Danger of Corporal Puniſhment and [75]
Eccleſiaſtic Cenſure, they would ſtrictly forbid any to ſpeak of *Simon Montfort* as a Saint, or to ſpread the vain and fooliſh Miracles reported of him.

They alſo humbly beſeeched the Legate to abſolve the King, and all others of the Kingdom, both great and ſmall, from the Oaths they had taken to obſerve certain Charters concerning the *Oxford* Proviſions; to the Obſervation of which they were bound by the Sentence of Excommunication pronounced againſt ſuch as did not obſerve them.

This Award, or *Dictum de Kenelworth*, was finiſhed in the Caſtle of *Kenelworth* on the 31ſt of *October*, in the Year of Grace 1266, and the 50th Year of the Reign of King *Henry*.

The

King *Henry* III. Anno Regni 41. 1267. At *St. Edmundſbury*.

The Year after, 1267, *Henry* called another Parliament to meet at *St. Edmundſbury*; where, ſays the Continuator of *Matthew Paris*, were ſummoned to appear, the Earls, Barons, Archbiſhops, Biſhops, Abbots, and all that owed him Military Service, with their Horſe and Arms, to go againſt thoſe Rebels who had got into the Iſle of *Ely*, and ſtill held it out againſt him. This is a prepoſterous Way of ſummoning a Parliament, which the Monk ſpeaks of; however, it is certain there was ſome other Buſineſs intended to be done at this Meeting more than going to fight: For the ſame Author has given us an exact Account of the King, with the Pope's Legate, who was then with him, and what Demands they made for a Supply from the Clergy, with their Anſwer to each Article.

1. It was demanded, 'That the Prelates and Rectors of Churches ſhould grant them the Tenths of their Churches for three Years next to come, and for the Year laſt paſt, as they gave the Barons for keeping the Coaſts againſt the Invaſions of Strangers.' To this it was anſwered, 'That the War began by unreaſonable Deſires, and did then continue, and therefore it was neceſſary to forbear repeating the like Demands, and treat of the Peace of the Kingdom; and make Uſe of the Parliament to the Benefit of the Church and Kingdom; and not to extort Money, eſpecially, when the [76] Nation was ſo much deſtroyed by the War, that, if ever, it muſt be a long Time before it could recover itſelf.

2. They required, 'That the Churches might be taxed by Laymen, according to their true and higheſt Value.' To this it was anſwered, 'That it was not reaſonable, but contrary to Juſtice, that Laymen ſhould meddle with collecting of Tenths; nor would they ever conſent to a new Way of taxing, but that the old ſhould ſtand.

3. 'That the Biſhops and Abbots ſhould pay the Tenths of their Baronies and Lay Fees, up to their true and higheſt Value.' Anſwered, 'That they were impoveriſhed by Depredations and Plunderings; that they followed the King in his Expeditions, and ſpent ſo much Money that they were grown very poor, and that their Lands laid uncultivated by reaſon of the War.

4. It

4. It was demanded, 'That the Clergy, in common, 'ſhould give to the King 30,000 Marks for the afore- 'ſaid Tythes, which a certain Legate had claimed for 'the Uſe of the Court of *Rome*, for the Debts contract- 'ed in *Sicily*, *Apulia*, and *Calabria*, in the Name of the 'Lord *Edmund*, the King's Son, then preſent.' Anſwer, 'That they would give nothing, becauſe all theſe Taxa- 'tions and Extortions, firſt made by the King, were 'never expended to the Uſe of the King and Realm[o]. King *Henry* III.

5. They required, 'That all Clerks, holding Baro- 'nies or Lay Fees, ſhould go arm'd in their own Per- 'ſons againſt the King's Enemies, or find ſo much Ser- 'vice as belongs to their Lands or Tenements.' To this they anſwered, 'That they ought not to fight with 'the material but ſpiritual Sword, that is, with their 'Prayers and Tears: And that, by their Benefices or 'Fees, they were bound to maintain Peace, not War. 'That they held their Barony in *Frank Almoign*, in pure 'Alms, and therefore ow'd no Military Service but what 'was certain, and would not perform any that was new.

6. They required, on the Pope's Behalf, 'That with 'all Speed the Expedition of the Croſs might be preach'd [77] 'through the whole Kingdom.' To this it was an- ſwered, 'That a great Part of the People had been 'killed by the War; that, if now they ſhould undertake 'the Cruſade, few or none would be left to defend the 'Nation.

7. At laſt it was ſaid, 'That the Prelates were abſo- 'lutely bound to comply with all theſe Demands, on 'the Oath which they had taken at *Coventry*, that they 'would aſſiſt the King by all the Ways they were able.' To this they alſo anſwered, 'That, when they made 'that Oath, they only meant it of ſpiritual Help and 'wholeſome Counſel.'

What was done further at this Parliament we cannot learn; it does not appear that there was any Attempt made againſt the Diſinherited in the Iſle of *Ely*; only they were reſtrained from making Excurſions by the Forces the King kept with him at *Cambridge*. It muſt be owned that the Clergy behaved themſelves very ſtoutly againſt the King and Legate at this Meeting; but

[o] Dr. *Brady* has omitted this whole Demand and Anſwer in his Tranſ- lation of theſe Articles, p. 661; making the fifth Article the fourth, and ſo on: But whether by Deſign or not, let the Reader judge.

King *Henry* III. but they found Means afterwards to bend them by an expreſs Bull from the Pope, whereby he granted the King the Tenths of all Eccleſiaſtical Benefices whatſoever for three Years. This Bull was dated at *Viterbo*, *June* 9, in the 2d Year of his Pontificate, *A. D.* 1267, the 51ſt of *Henry* III. and directed to his Legate *Ottoboni* [p].

Anno Regni 53. 1267. At *Marlborough*.

In the Year 1267 King *Henry* called the laſt Parliament in his Reign, being ſummoned to meet at *Marlborough* the 19th of *November*; in which, by the Aſſent of the Earls and Barons, were made the Statutes of *Marlborough*, in which a general Proviſion for the Obſervance of the two Great Charters was ordained [q].

In the Year 1272 died *Henry* III. King of *England*, after having reigned fifty-ſix Years and twenty Days, and was buried at *Weſtminſter*. 'A Reign, ſays an 'Hiſtorian [r], ſo full of remarkable Contingents, partly 'through the Weakneſs and Inconſtancy of the Prince, 'and partly through the Pride and Impatience of a [78] 'ſtubborn Nobility, that it takes up a tenth Part of 'the *Engliſh* Hiſtory from the *Norman* Conqueſt.

TAXES *in this King's Reign* [s].

Taxes during the Reign of King *Henry* III.

THE Parliament call'd at *Northampton*, in the Year 1224, granted the King two Shillings of every Plough Land; and the King granted the Barons Scutage, two Marks of every Knight's Fee. *M. Paris.*

The Parliament call'd at *Weſtminſter* granted the King a Fifteenth of all Moveables, as well of Clergy as Laity, in the whole Kingdom, for the Grant, or Confirmation, of *Magna Charta*. The ſame Year there was a fortieth Part of all Moveables granted. *M. Paris.*

In the Year 1226 the King wrote to his foreign Biſhops and Clergy to give him a Fifteenth of all their Moveables, as the Biſhops and Clergy of *England* had then done. Pat. 11 *H.* III. m. 11.

The next Year he compelled the City of *London* to pay him 5000 Marks, becauſe they had given as much to

[p] Cart. 51 *H.* III. m. 10. in ſchedula.

[q] *Aſſenſu Comitum & Baronum.* M. Paris. See the *Statutes at large.*

[r] *Sam. Daniel's Hiſtory of England.*

[s] See a fuller Account of theſe Taxes in *Stephens's Royal Treaſury of England. Lond.* 1725.

to *Lewis*, late King of *France*, when he left *England*; and levied a Fifteenth. *M. Paris.* King *Henry* III.

At the same Time he took from the Burgesses of *Northampton* an Aid of 1200*l.* besides one Fifteenth.

He likewise forced all religious and beneficed Clerks to pay a Fifteenth, as well out of their Spirituals as Temporals; and they who were unwilling to pay were compelled either by the King's Authority or Ecclesiastical Censures.

Soon after this the Religious and others had Notice, that unless they renewed their Charters the old ones should be of no Advantage to them; and for the Renewal every one paid according to his Faculty, at the Discretion of the Justiciary. *M. Paris.*

In the Year 1230 Archbishops, Bishops, Abbots, and Priors gave a great Sum of Money for recovering his Rights beyond Sea. At the same Time he put the Citizens of *London* to grievous Redemption, and forced the *Jews* to pay him a third Part of what they were worth. *M. Paris.*

In the Year 1231 the King required a Scutage of three Marks of every Knight's Fee, of all that held Baronies, as well Prelates as Laics: This was opposed by the Archbishop of *Canterbury* [t] and some other Bishops, but was agreed to by all the others. *M. Paris.* [79]

In a Parliament held at *Lambeth*, in the Year 1232, a fortieth Part of all Moveables, as well of Ecclesiastics as Laics, was granted to the King, and was collected very soon after. *M. Paris.*

In the Year 1235 he had two Marks of every Plough Land, for the Marriage of *Isabel* his Sister to *Frederic*, Emperor of *Germany*, and gave with her 30,000 Marks for her Portion. Clauſ. 21 *H.* III. m. 1. & m. 21. dorſ.

In the Year 1237 a thirtieth Part of all Moveables was granted to the King. *M. Paris.*

In the Year 1242 the King requir'd a Scutage of three Marks from every Knight's Fee through all *England*. So *M. Paris*; but others say only twenty Shillings.

In a Parliament held at *London*, in the Year 1244, twenty Shillings of every Knight's Fee was granted to the King for the Marriage of his eldest Daughter. *M. Paris.*

[t] *Richard Wetherſhed.*

In

King *Edward* I. In the Year 1253 the Clergy granted the Tenth of all Eccleſiaſtical Revenues for three Years, and the Nobility three Marks of every Knight's Fee, for the Relief of the *Holy Land*, on the King's Confirmation of *Magna Charta*. *M. Paris.*

In the Year 1267 three Years Tenths of all Church Revenues were granted to the King by the Pope. Cart. 51 *H.* III. m. 10. ſched.

And in the Year 1270 a twentieth Part was granted the King. Cl. 54 *H.* III. m. 11. dorſo.

[80] *EDWARD*, the firſt of that Name after the Conqueſt, was in the *Holy Land* at the Time of the Death of his Father King *Henry* III. However, he was peaceably proclaimed and recognized King of *England*, *&c.* and, at his coming into the Kingdom, was crowned at *Weſtminſter*, with the uſual Ceremonies, *Auguſt* 19, 1274; near a Year and a Half after the Death of his Father, he being then juſt thirty-five Years of Age.

We now come to a Reign, in which we ſhall give the Hiſtory of *Parliaments* undoubtedly compoſed of Repreſentatives of the Counties, Cities, and Boroughs, as well as the higher Eſtates of the Realm. *Montfort*'s Convention, where though the *Commons* were introduced to make his Cauſe more popular, yet we doubt whether that Meeting can be ſtiled a *Parliament*, which was called together by the Earl of *Leiceſter*'s own Authority, the King a Priſoner, and the Realm under an abſolute Uſurpation. But, however that Meeting may be thought of by ſome, yet all muſt grant that *Montfort*'s Conduct, in this Particular, was highly approved of; ſince to what he then did may be owing the Riſe and Model, with ſome Alterations, of all ſucceeding Parliaments.

The State of the Tranſactions on the Death of the laſt King appears to be thus: He died *Nov.* 16, 1272, his Sons, *Edward* and *Edmund*, were then abroad. The preceding Troubles put every Well-wiſher to his Country upon taking all neceſſary Steps to preſerve the Peace and Tranquillity of the Kingdom; and therefore, immediately after the King's Funeral, *Nov.* 20, according to *Mat. Weſtminſter*, or before, by the *Annals* of *Worceſter*, which end in 1307, the Earl of *Glouceſter* and

and other Lords [u], then present, took an Oath to pre- King *Edward* I.
ſerve the Peace of the Kingdom to the utmoſt of their Power, and to bear faithful Allegiance to the abſent King [w].

The Parliamentary Records being almoſt all loſt, or deſtroyed, about this Time, we can have but ſmall Aſſiſtance from them; our Recourſe therefore muſt be chiefly to the old Monkiſh Writers of this Age, who, tho' not ſo exact as the others, yet the whole Body of our Hiſtorians, hitherto, have allowed of their Teſtimonies, where better could not be found. However, we are not altogether without our own Vouchers, as the Sequence will ſhew; and particularly in this next Parliament, where the Acts made by them are ſtill preſerved, and ſtand the firſt in all Editions of our *Statutes at large.*——But to proceed with our Hiſtory.

Edward being returned to his own Dominions, and his Coronation performed, ſoon after thought fit to call a Parliament, in order to redreſs many Grievances and Enormities which had crept into the State during the late Civil Wars, his Father's Death, and his own long Abſence from the Kingdom. This Parliament was ſummoned to meet *Ad quindenam Feſti Purif. Beatæ Virginis Mariæ, Feb.* 16. Here we have the *Commons* called up to it, as plainly appears by the Preamble to the Statutes of *Weſtminſter* the Firſt, as they are ſtiled by the Lawyers, which we ſhall give in the Sequel; but how they were elected to it, does not ſo evidently appear.

It was in this Parliament that the ſeveral Summons which the King had ſent to *Lewellyn*, Prince of *Wales*, to come and do Homage to him as his Vaſſal and Subject, were recited. *Rymer* in the *Fœdera Anglic.* Tom. II. p. 68,

[u] *Walter Giffard*, Archbiſhop of *York*; *Edmund Plantagenet*, Earl of *Cornwall*, Son to *Richard* who was Brother to King *Henry* III. and *Gilbert de Clare*, Earl of *Glouceſter*. *Mat. Weſt.*

[w] *Poſtmodum ad novum Templum* Londini *Nobiliores Regni pariter convenerunt, et facto Sigillo novo, conſtituerunt Cuſtodes fideles et miniſtros, qui Theſaurum Regis et Pacem Regni fideliter cuſtodirent.* Mat. Weſt.

Die proximo poſt Patris ejus Sepulturam Pater Robertus Kylwardbey, *Archiep.* Cant. *&c. apud novum Templum convenerunt, &c. et de Aſſenſu Matris Reginæ ſtatuerunt Cuſtodes Regni, &c.* Walſing. N. Trivet.—— But our Author muſt be miſtaken in his Archbiſhop, for *Robert Kilwardbey*, though he had been named by the Pope at *Rome* to the See of *Canterbury* in *October* before, yet he had not taken Poſſeſſion of it at that Time. It were the Nobles mentioned in the foregoing Note (w) that iſſued out the Writ in the King's Name, *de Pace Regis proclamanda*, which is in *Rymer's Fœd.* dated *Nov.* 23.

King *Edward* I. p. 68, has given us a Liſt of them, by which it appears, That however hard this Prince's Fate might ſeem afterwards, yet it cannot be denied but that he had fair Warning to avoid it. For Fear of breaking the Thread of our Hiſtory, we chuſe to give them by Way of Note, as under [a].

There is no Doubt but theſe ſeveral Summons were read in the firſt Meeting of this Parliament, but what was then reſolved upon about them does not appear. It is probable the more important Affairs of the State called firſt for Amendment: And indeed many excellent Laws were enacted by this Parliament for ſecuring the Peace and Liberties of the People, as well as the Immunities of the Church, and Privileges of the Clergy; but whether in the firſt or ſecond Seſſion of it, is not certain. They ſat but a ſmall Time; for they met about *Candlemas*, and were prorogued to the 22d of *April* following, 1275. [b].

Anno Regni 3. 1275. At *Weſtminſter*. [82]

At the next Meeting of this Parliament, the Affair of the *Jews*, then in *England*, was taken into Conſideration, and ſeveral Laws were made to reſtrain the exceſſive Uſury of them; and it was alſo enacted, That they ſhould wear a Badge upon their Upper Garments, in the Shape of the two Tables of *Moſes*'s Law [c]. On the

[a] 1. A Summons by *Walter* of *Merton*, dated *Nov.* 29, 1272, reciting, That the Prelates, Barons, &c. in *Wales*, had done Homage, and empowering two Abbots, of *Dore* and *Haſbemen*, to receive his Homage. *Rymer*, Tom. II. p. 2.

There is alſo a Letter from the Abbots, certifying that they went to *Montgomery*, &c. but that the Prince did not come. *Ibid.* p. 3.

2. Orders to *William de Bello Campo*, Comes *Warwic*, to be at *Montgomery* on the next *Sunday* after the Feaſt of St. *Philip* and *Jacob*, dated at *Weſtminſter*, *April* 14, 1274.

3. After his Coronation, (*Auguſt* 19, 1274) and he came not within a Year.

4. A Summons to him to appear and do Homage to the King at *Shrewſbury*, on the *Sunday* after the Feaſt of St. *Andrew*, 1274, dated at *Northampton*, *Nov.* 3. *Ibid.* p. 41.

The King falling ill put off the Time, as appears by his Writ, dated at *Clyve*, *Nov.* 22, 1274. *Anno Regni* 3. *Ibid.*

[b] *Craſt. Clauſ. Paſch.* and *Eaſter-Utas*, is much the ſame. *Eaſter-Day*, that Year, was *April* 14. The Date in *Hawkins*'s *Statutes* is *April* 25; but it ſhould rather have been the 22d.

There is a Writ in *Prynne*'s *Parliamentary Collections*, p. 180, dated at *Weſtminſter*, *July* 24, *Anno Regni* 4, *Edw.* I. referring to a Law made in this firſt Parliament.

[c] *Ad unius Palmæ Longitudinem.* Mat. Weſtminſter.

There is in *Prynne*, p. 239, from clauſ. 4 *Edw.* I. m. 6, a Proclamation enjoining the *Jew* Women alſo to wear that Badge.

the 18th of the same Month they met again, and granted the King a Fifteenth upon the Clergy and Laity, by the common Consent of the Archbishops, Bishops, Earls, and Barons [c]. This Money, or Subsidy, was given, says one Author [d], to defray the Expence of the King's Crusade: Another writes, That it was said by some to be for Novelty Sake, or for a good Beginning [e]. However, Dr. *Brady* has published an Act of the King's, whereby he declares, That this Gift of the Clergy proceeded only from their free Good-will, and that it should not be drawn into Consequence for the future. King *Edward* I.

The King had done the Merchants some signal Service, in a late Treaty, as he came home through *Flanders*; and in his Care now of their Interests, in suppressing illegal and excessive Tolls, arbitrarily exacted from them in most Parts of the Realm; they therefore voluntarily taxed themselves to Half a Mark on every Sack of Wool, and a Mark on 300 Skins, and on a Last of Leather, throughout *England* and *Ireland*, for *Wales* was not conquered at that Time, and granted it to the King and his Heirs for ever [f]. This Contribution they got confirmed by this Parliament, and it was called the *New Custom*, in Distinction to one that had been Part of the antient Revenue of the Crown.

What is before said relating to the Commons being call'd to this Parliament, besides the undoubted Authority of the Preamble to the Statutes made in it, it is farther confirmed by the Testimony of two antient Monastic Histories, the *Annals* of *Worcester*, and those of *Waverley*, who expresly tell us, That they were composed of the *Archiepiscopi*, *Episcopi*, *Comites*, *Barones*, *Abbates*, *et Priores*, *et de quolibet Comitatu* quatuor Milites, *et de qualibet Civitate* quatuor. By this it appears that there were no Representatives of the Boroughs in it, though modern Historians have said so; and therefore was not similar to *Montfort*'s Parliament, neither in the Places sending, nor the Number sent. We shall conclude this Affair, by giving the Preamble to the Statutes of *West-*

c Annal. Waverl.
d Chron. T. Wykes.
e *Novitatis Causa.* Annal. Waverl.
f Pat. 3 *Edw.* I. m. 1. Rot. Fin. 3 *Edw.* I. m. 24.

King *Edward* I. *minſter* the Firſt, which our Lawyers have divided into fifty-one Chapters [g].

Anno Regni 4. 1276. At *Weſtminſter*.

The next Year, 1276, this King conven'd his Nobles, *&c.* again to *Weſtminſter*, on the Affair of *Lewellyn*; they met at *Weſtminſter*, *October* 18, or about the Feaſt of St. *Luke* [h], 1276. And that they conſiſted of the ſame Members as the laſt, appears from a Patent to the Archbiſhop of *Canterbury*, which recites *Comites*, *Barones*, *ac alii Magnates*, *et* Communitas *Regni noſtri* [i]. In this Parliament ſeveral more Summons, which had been ſent to the Prince of *Wales* ſince the Meeting of the laſt, were again recited; to which he never appeared, but ſent idle and frivolous Excuſes, nay, ſometimes inſolent ones, inſtead of coming. Upon which the Archbiſhops, Biſhops, and other Prelates, with the Earls, Barons, *&c.* deſir'd the King would give them Leave to ſend to him to perſuade him to come; to this the King acquieſced, and they accordingly ſent the Archdeacon of *Canterbury*, but to no Purpoſe: But about a Fortnight after *Michaelmas*, that Year, *Lewellyn* ſignified to the King that he would come to *Montgomery* to do Homage, provided the King would give him Safe-Conduct, by the Archbiſhop of *Canterbury*, *&c.* This Letter was looked upon to be ſo inſolent, that it was agreed by all preſent, That the King ſhould

[g] The Preamble to theſe Statutes is as follows: Theſe be the Acts of 'King *Edward*, Son to King *Henry*, made at *Weſtminſter*, at his firſt Parliament general after his Coronation, on the *Monday* of *Eaſter-Utas*, in 'the third Year of his Reign, by his Council, and by the Aſſent of the 'Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and all the Commonalty of the Realm, being thither ſummoned; becauſe our Lord the 'King had great Zeal and Deſire to redreſs the State of the Realm in ſuch 'Things as required Amendment, for the common Profit of Holy Church 'and of the Realm. And becauſe the State of Holy Church had been 'evil kept, and the Prelates and Religious Perſons of the Land grieved 'many Ways, and the People otherwiſe intreated than they ought to be, 'and the Peace leſs kept, and the Laws leſs uſed, and the Offenders leſs 'puniſhed than they ought to be, by reaſon whereof the People feared leſs 'to offend; the King hath ordained and eſtabliſhed theſe Acts under-'written, which he intendeth ſhould be neceſſary and profitable to the 'whole Realm.' *Vide Chron.* T. Wykes, *ſub hoc Anno*.

Beſides the *Statutes at large*, ſee a Detail of theſe Laws in Lord *Coke*'s *Inſtitutes*, Part II. p. 156, *&c.*

[h] *Annal. Waverl. Wygorn. In quindena S.* Michael. *Wykes.* You have, in Archbiſhop *Wake*'s *Appendix*, No. 14. the Archbiſhop of *York*'s Appointment of his Proxy, dated at *Bolton* in *Craven*, *Non. Oct.* 1276. We mention this, becauſe it is the firſt Proxy we have yet met with.

[i] Dat. *Weſtm. Nov.* 1. Pat. 4 *Ed.* I. m. 6. *Prynne*'s *Coll.* p. 179.

should not admit of *Lewellyn*'s Excuses; but proceed against him as a Rebel [k]. King *Edward* I.

It is said that in this Parliament the Fifteenth granted by the last was ordered to be levied, but whether then or before, is very uncertain, because our oldest Historians contradict one another hereabouts strangely. both in jumbling the Parliaments together, and in different Dates, that nothing certain can be got out of them. The Tax of a Fifteenth is said, by some, to be laid on Clergy and Laity jointly, whilst the *Annals* of *Waverley* mention the Lay Possessions only; but are very particular in their Account of this Tax, and mention exactly what their Part of the Fifteenth amounted to.

As we shall have Occasion to make frequent Mention of these Taxes in the Progress of this Work, it may not be thought improper to give an Explanation of them in this Place.

Our ablest Lawyers have been puzzled about the Manner how these *Tenths* and *Fifteenths* were collected; what we have met with relating to that Affair is not intirely satisfactory; because, we presume, they varied with the Times, and were charged upon Goods and Chattels rather than Land, especially in Cities and great Towns. But let the following Explanation speak for itself.

Tenths and Fifteenths accounted for.

A *Fifteenth*, or *Quinzieme* [l], is a Tax of Money laid upon the Counties, Cities, Boroughs, or other Towns, throughout the Realm; and so call'd, because it amounted to a fifteenth Part of that which the City or Town had been of old valued at: And therefore every Town knew what a *Fifteenth* for themselves did amount to; which was in Proportion to the Land or Circuit about it. Thus *Camden* says of *Bath*, *Geldebat pro viginti Hidis*. Whereas a *Subsidy* was raised upon every particular Man's Goods, or Lands, and therefore was uncertain; because the Estate of every particular Man is uncertain [m].

The last Edition of this Law-Dictionary adds, That these Rates were taken out of *Doomsday-Book*, in the Exchequer, as *Camden* again witnesses of *Welles*, in *Somerset-*

k The Declaration of War against *Lewellyn* is in *Rymer*, Tom. II. p. 68.

l A *Vinctieme* is to this Day a Tax in *France*, called, in *English*, a *Twentieth Penny*.

m *Cowel*'s Law Dictionary.

King *Edward* I. *Somerſetſhire*, thus: *Quo Tempore, ut teſtatur Cenſualis Angliæ Liber, Epiſcopus ipſum Oppidum tenuit, quod pro quinquaginta Hidis geldavit*; and ſo of other Towns: By which it appears, that, of old Time, this ſeemed to be a yearly Tribute in Certainty: Whereas now, tho' the Rate be certain, yet it is not levied but by Parliament. To this we may add, That theſe Kinds of Taxations were impoſed by the King at his Pleaſure, till *Edward* I. bound himſelf and his Succeſſors, from that Time forward, not to levy it but by Conſent of the Realm.

But to go on with our Hiſtory.——

It ſeems as if this laſt Parliament met by Prorogation this Year at *Wincheſter*, for we have no Account of a new one being called; and yet there is Teſtimony that they ſat there about the Beginning of *January*, ſay our Annaliſts, for ſeveral Days [l], the King coming to them the latter End of *December*. Soon after *Euſter* we find them met again at *Weſtminſter*, which muſt be in the
[83] Year 1277; and here it was that, amongſt other good Laws, the Statute of Bigamy was enacted [m]; tho' this laſt ſeems not to have been done in full Parliament, the Preamble to the Statute running thus:

The Statute of Bigamy enacted.

'In the Preſence of certain Reverend Prelates, Biſhops of *England*, and others of the King's Council, 'the Conſtitutions under-written were recited, and after 'heard and publiſhed before the King and his Council, 'foraſmuch as all the King's Council, as well Juſtices 'as others, did agree that they ſhould be put in Writing 'for a perpetual Memory, and that they ſhould be ſted-'faſtly obſerved.'

Anno Regni 4. 1276. At *Wincheſter*. At this Parliament, at *Wincheſter* or *Weſtminſter*, however, the King confirmed the Charters of Liberties and Foreſts, and ordered that it ſhould be proclaimed all over *England* that they ſhould be ſtrictly obſerved [n].

Anno Regni 5. 1277. There is Mention made of another Parliament ſaid to be held in the Year 1277, after the King's Expedition into *Wales*, in which the Laity granted the King a thirtieth Part of their moveable Goods towards his Charges.

Tyrrel

l *Per plures Dies.* Annal. Wygorn. *et* Waverl.

m The *Statutes at large*. See alſo *Tyrrel*'s *Hiſtory of England*, Vol. III. p. 26.

n *Tyrrel*'s *Hiſtory of England*, Vol. III. p. 29.

Tyrrel obſerves, that this Parliament is not expreſly mentioned on the Rolls; which ſhews, adds he, that there were many more Parliaments than we can now find upon Record [o]. King *Edward* I.

Tyrrel quotes *Walſingham* for his Authority as to this Meeting; but as we find no older, and conſidering the War now with *Wales*, to attend which all thoſe who held by Military Service, even the Ladies [p], were ſummoned, and the King's returning from that Expedition, we can hardly find Time or Place for a Parliament to meet.

There is greater Probability that a Parliament might be held next Year at *Glouceſter*, becauſe the Statutes ſaid to be made there by our Statute Books ſeem to confirm it, though we have no other Authority. Theſe Laws ſeem to have been taken and printed from ſome Proclamation, or ſome ſuch Act for publiſhing them; perhaps at a Parliament at *Weſtminſter* held in *October* this Year, though firſt made at *Glouceſter*, from whence they take their Name, and is evidently confirmed by the Statutes of *Weſtminſter* the Second, 13 *Edw.* I. which ſay the Parliament was called to meet at *Glouceſter* in *Quindena S. Johan. Baptiſtæ*, becauſe an Expoſition of theſe Laws was made on the *Sunday* after the Feaſt of St. *Peter*, *ad Vincula*, this very Year [q].

The *Annals* of *Waverley* mention a Parliament to be held at *Weſtminſter* in the Middle of *October* this Year, where it is ſaid that the King of *Scots* came and did Homage to King *Edward* at that Meeting. *Wykes* ſays the ſame; and, by his Account, one might imagine that it was for the whole Crown of *Scotland*; but the *Annals* of *Worceſter* expreſs the Lands for which he did Homage, which all lay in *England*. A better Authority than either is in the *Fœdera Ang.* Tom. I. p. 126, where is the whole Proceeding. [84]

o *Tyrrel's Hiſtory of England*, Vol. III. p. 29.

p *Rymer* has given a Liſt of the Barons, Prelates, Abbots, and even Ladies, that were ſummoned to ſerve in this War, by themſelves or Subſtitutes.

q The Date, therefore, in *Hawkins's Statutes*, may be wrong. The Roll in the Tower ends thus: *Done a* Gloceſtre *le Demein prochein apres la Feſte de Sein* Peire *a Goule de* Auſt. *le An avauntdit*; and the Preamble to the Statute *de Quo Warranto* mentions thoſe made at *Glouceſter* in *Auguſto*, 6 *Edw.* I.

King *Edward* I.

Anno Regni 7. 1279.

At *Weſtminſter*.

The next Year, 1279, another Parliament was ſummoned to meet at *Weſtminſter*, when an Affair of great Importance to the Intereſt of the whole Nation came before them. But before we enter upon an Account of the famous Statute of *Mortmain*, paſſed in this Parliament, it will be neceſſary to premiſe two Affairs which happen to precede it. The firſt was an Act concerning bearing of Armour; in the Preamble to which the Prelates, Earls, Barons, and whole Commonalty, are ſaid to be there aſſembled at *Weſtminſter*, *October* 30, *Anno Regni* 7. The other Tranſaction was this: Some of the Proviſions the Archbiſhop of *Canterbury* and his Clergy had made this Year, at a Council at *Reading*, (3 *Kal. Aug.*) were revoked, ſoon after, by this Parliament, (*in Feſto S.* Michaelis) and this Revocation is printed in *Prynne*[r], *Collier*, and in the *Councils*. But this Blow was very ſoon followed by a much greater Stroke at that Body than they had ever ſuffered before.

It is very well known to an *Engliſh* Hiſtorian, that the Clergy, ever ſince the firſt Introduction of Chriſtianity into this Iſland, had been accumulating Lands and Riches; inſomuch that they had ſwelled, what was at firſt but a Molehill, into a huge Mountain. The enormous Bulk of their preſent Poſſeſſions, and what they were daily acquiring from the miſtaken Charity of that Age, made it juſtly ſuſpicious that, in another, they might engroſs the whole: Beſides, it was well known that, whatever Lands they gained this Way, they were from thenceforth unalienable, and a dead Hand laid on them for ever. The Laity had been long deſirous to ſtem this Torrent; but wanted a King of Reſolution enough to deſpiſe the *Vatican* Thunder, and effectually put a Stop to theſe dangerous Proceedings. Such a King they found in *Edward* I. and a Parliament was called in this Year for that Purpoſe. They met at *Weſtminſter* in the Beginning of *November*, by the King's Appointment, and when he made the Propoſal it was received by the Laity with univerſal Joy, nor durſt the Clergy oppoſe it for Fear a heavier Blow ſhould fall upon them. In fine, it was enacted, 'That, from henceforth, none 'ſhould either give, ſell, bequeath, or change, or, by 'any Title whatſoever, ſhould aſſign any Lands, Tene-'ments,

[r] *Prynne's Collections*, p. 235.

'ments, or Rents, to any Religious Body, without Li- King *Edward* I.
'cence from the King had for that Purpose [s].' This Statute was called the Statute of *Mortmain*, because it was intended to prevent Estates from falling into dead Hands; that is, Hands of no Service to the King or the Public, without Hopes of ever changing their Owners. Nor did the King end here; for the Sequel will also shew that this Monarch laid a heavier Hand on Holy Church than any of his Predecessors had done before him.

The Statute of *Mortmain* enacted.

About this Time *Edward* was busy in his Conquest [85]
of *Wales*, which he soon after fully accomplished. *Lewellyn*, their Prince, was slain in the open Field, and his whole Army routed upon the Spot. *David* his Brother was soon after taken Prisoner and brought to the King at *Shrewsbury*. Here it was that a Parliament was called on that Occasion, *September* 30, 1283, who condemn'd *David* to die the Death of a Traitor. This rigorous Sentence was executed with all the Circumstances attending that infamous Punishment. His Head was fix'd near that of the Prince his Brother, and his four Quarters were sent to *York*, *Bristol*, *Northampton*, and *Winchester* [t]. The first Example of this Manner of Execution done on Traitors, but which has been commonly practised ever since.

Anno Regni 11, 1283.

At *Shrewsbury*.

Lewellyn killed, and his only Brother executed.

[86]

The King, in summoning this Parliament, was more explicit than ever he had been before. The Writs of Summons are still extant on Record; the first of which is to the Lords to meet the King at *Shrewsbury* on *September* 30. The second Writ is directed to the Sheriffs of every County in *England*, to cause to be chosen two Knights for the Commonalty of the same County; as also a third directed to several Cities and Boroughs, and a fourth Writ to the Judges [u].

But

[s] *H. Knyghton*, inter *Decem Scriptores*, col. 2462.
See *Statutes at large*, p. 83; where the Reasons for making this Law will best appear by the Recital of the Statute itself.

[t] *O mors misera Proditoris! ad Caudas Equorum per Municipium* Salopiæ *fuit tractus, dein suspensus, postea decollatus, postmodum Truncus Corporis in quatuor Partes fuit divisus, finaliter Cor ejus cum Intestinis fuit combustum, Caput* Londini *portabatur, quod super Turrim* Londinensem *erigebatur super Palum. e Regione Capitis Fratris sui; quatuor Partes Corporis ipsius ascephali ad* Bristoliam, Northamp. Ebor, Winton, *mittebantur.* M. West.

[u] Rot. *Walliæ*, 2 *Edw.* I. m. 2. dorso. *Rymer's Fœdera*, Tom. II. p. 247, *&c.*
Mr. *Tyrrel* observes, that neither Mr. *Prynne* nor Dr. *Brady*, with all their Diligence, have taken any Notice of these Writs to summon this Par-

King *Edward* I. But the Time this Parliament met at *Shrewſbury* has been diverſified by ſeveral antient Authors, and placed a Year ſooner than it really happened, which has led many modern Hiſtorians into the ſame Error. Now to fix this Period right, the Time of *Lewellyn*'s Death, and the Capture of his Brother *David* muſt be aſcertained. The Beginnining, Progreſs, and Concluſion of this *Welſh* War, muſt lead us to the Point directly; and this is exemplified in *Rymer*, by the ſeveral Acts of State done during the Continuance of it. The firſt of which

is

Parliament. He accuſes the latter of Partiality in this Matter; and, in his Introduction to his Hiſtory, has given the Reaſon why the Doctor might not think fit to mention them.

The Writs are directed to all the Earls and Barons by Name, to the Number of 110; but the Writs to the Cities and Boroughs being more remarkable, eſpecially as theſe Writs are the firſt upon Record requiring the Attendance of the Commons, except thoſe iſſued in the Name of the late King *Henry* III. under *Monfort*'s Uſurpation, we think proper to give a Tranſcript of them as follows:

REX *Majori, Civibus et Vicecomitibus* LONDON.

Quot Fraudum et Machinationum generibus Lingua Walenſium, *ad inſtar vulpium, Progenitores noſtros et Regnum noſtrum invaſerit, a Tempore, quo poteſt Hominis memoria recordari: Quot Stragis Magnatum, Nobilium, et aliorum, tam* Anglicorum, *quam aliorum Juvenum, atque Senum, &c.* ut in Brevi Superiori uſque hæc Verba.

Vobis Mandamus quod duos, de ſapientioribus et aptioribus Civibus prædictæ Civitatis, eligi faciatis, et eos ad nos mittatis, ita quod ſint ad nos, apud Salopiam. *in Craſtino Sancti* Michaelis *proximo futuro, ſuper hoc et* aliis locuturi; *et hoc nullatenus omittatis.*

Teſte Rege apud Rotheland, 28 *Die* Junii.

"*Eodem modo, mandatum eſt omnibus ſubſcriptis:*

Majori et Civibus Winton.
Majori et Ballivis Villæ Novi Caſtri *ſuper* Tynam.
Majori et Civibus Eborum.
Majori et Ballivis Briſtol.
Majori et Civibus Exon.
Majori et Civibus Lincoln.
Majori et Civibus Cantuar.
Majori et Civibus Karleol.
Ballivis Norwici.
Majori et probis Hominibus Northampton.
Ballivis Nottingham.
Ballivis de Scardeburg.
Majori et Ballivis de Grimeſby.
Majori et Ballivis de Linn.
Ballivis de Coleceſter.
Ballivis et probis Hominibus de Gernemue. [*Yarmouth*]
Majori et probis Hominibus de Hereford.
Majori et probis Hominibus Ceſtriæ.
Ballivis et probis Hominibus Salilop.
Majori et probis Hominibus Wygorn.

Sub Forma prædicta Mandatum eſt Univerſis et Singulis Vicecomitibus per Angliam, *quod, in quolibet Comitatu, eligi faciant duos Milites, de diſcretioribus et aptioribus Comitatûs illius ad Regem pro Communitate ejuſdem Comitatus, venturos; ita quod ſint ad Regem in Craſtino Sancti* Michaelis *prædicto, apud* Salopiam, *cum Rege* ſuper hiis *et* aliis locuturi; *et hoc nullatenus omittatis.*

Item, ſub eadem Forma. Mandatum eſt omnibus ſubſcriptis, quod ſint ad Regem, ad Diem prædictum, cum Rege ſuper hiis *et* aliis locuturi. Richardo de Holebrok, *&c. Judicibus.*

is a Letter from the King to the Archbiſhop of *Canterbury*, to excommunicate the whole *Welſh* Nation, dated at the *Devizes*, *apud* Devizes, Martii 28, *An. Reg.* 10. 1282. Next follows ſeveral Summons to the Barons and other Great Men to appear in Arms, with their Vaſſals and Subjects, on an appointed Day, at *Cheſter*, and other Places on the Coaſts of *Wales*, of ſubſequent Dates to the former. Our Monkiſh Hiſtorians ſay expreſly, that the Battle, in which *Lewellyn* was ſlain, happened on the 10th of *December*, in the 11th Year of the King, and that his Brother was taken Priſoner on the 22d of *June* following [w]. All which Teſtimonies, with more of the ſame Nature, which, for Brevity Sake, we omit, plainly prove that this Parliament at *Shrewſbury* was called to meet there, in the Year 1283; and, as the Writs expreſs it, tho' they bear no Marks of the Year on them, the Day after *Michaelmas*, or *September* 30, that Year. King *Edward* I.

It ſeems as if this Parliament at *Shrewſbury* was call'd with no other Intention, than to ſhew the whole Nation that the King gave the *Welſh* Prince a fair Trial; and that the Sentence againſt him ſhould be given by his Peers. *David* was a Baron in *England*; and conſequently eleven Earls and one hundred Barons were commiſſioned by the King to try him, who condemned the poor unhappy Prince to a moſt ſhameful and ignominious Death; the Circumſtances of which, all duly executed, are too ſhocking to relate; who will may read them in the Words of an old Hiſtorian at Note [t], p. 87. The Line of *Cadwallader* being thus intirely cut off, the *Welſh* Nation was wholly ſubdued, and added a glorious Title to the *Engliſh* Crown; after many Attempts for the Space of 800 Years, the Conqueſt of it was reſerved for our *Edward* the Firſt, the braveſt and the wiſeſt Prince that ever ſat upon the *Engliſh* Throne. 'And it was certainly of great Benefit to both Nations, ſays an Hiſtorian [x], for the miſerable Conteſts and bloody Miſchiefs which often happend between them were hereby [87]

Wales united to the Crown of *England*.

[w] Walt. Hemingford. *Et contigit hæc Victoria A. Regni Regis* Ed. II. 10. *Die* Decembris; and in the next Page, *et Die* S. Albani (June 22) *proximo ſubſequenti captus eſt, per Proditionem cujuſdem ex ſuis*, Davidus *Princeps, et Ferro vinctus tutiſſimè ſervabatur uſque ad ſequens Feſtum S.* Michaelis, *&c.* Annales *de* Dunſtable.

[x] *Sam. Daniel*, in *Kennet's Hiſtory of England*, p. 194.

King *Edward* I. hereby extinguiſhed, and they became one People, governed by one Law, and under one Prince.'

At this Parliament, however, ſome other Buſineſs was done beſide the former; for they granted the King a Thirtieth for the Laity, and for the Clergy a Twentieth, towards the Expences of the War.

Here we have a Miſt thrown over our Parliamentary Hiſtory for ſome Time; our Records give us nothing to clear it, and our old Monks are confuſed and abſtruſe. A Parliament is ſeemingly made out by our Statute-Books, to meet at *Rothland* the next Year, *May* 24; but, upon Inſpection into them, we find the Statute of *Rothland* is no more than a Writ of the King's own, for better regulating of his Exchequer, and no Act of Parliament; though it has been printed all along as a Statute, and, with a falſe Date, copied by the different Editors from one another, quite from *Tothill*'s old Edition down to the laſt. The real Date is *apud* Rothland, 23 *Die* Martii, *A. R.* N. xii. [y].

From *Wales* we trace the King coming to *Briſtol*, where he kept his *Chriſtmas*, and as ſome ſay held a Parliament, but not a general but a particular Parliament, ſay *Wykes* [z], which we take to be no more than a great Council; tho' what particular Things were done at it are not mentioned. But this Meeting is confirmed by two Acts of State in *Rymer*, one dated at *Briſtol* in *December*, and the other in *January* in that Year. After *Chriſtmas* the King was at *York*, ſay the *Annals* of *Dunſtable*, and with this an Act dated at *York*, *Jan.* 12, 1284, agrees. The *Annals* aforeſaid carry the King from hence to *Lincoln* [a], where he held a Parliament, and went from thence into *Wales*.

Anno Regni 12. 1284. In the King's Progreſs into *Wales*, or ſoon after he got there, a Parliament was actually called to meet at *Acton-Burnel*, a ſmall Place in *Shropſhire*, where they had no other Convenience to ſit in but a great Barn [b]. But why the King ſhould chuſe that Place rather than *Shrewſbury* very near it, or any other in the County, is unknown. However, to aſcertain the Place, the Statute of

At *Acton-Burnel*

[y] Vid. *Maddox*'s Hiſtory of the *Exchequer*, p. 656, Note *(n)*

[z] *Non univerſali, ſeu generali, ſed tanquam particulari et ſpeciali Parliamento.* Chron. T. Wykes, p. 112.

[a] *Et inde tenuit Rex Parliamentum, ſuum apud* Lincoln. An. Dunſt.

[b] Lelandi Itin.

of *Acton-Burnel*, so called, as printed in our Statute-Books, must have been made here; it is called, in the old Editions, 13 *Edw.* I. tho' it has no Date neither in the Preamble nor in the End of it; but, amongst the Statutes made at *Westminster* 13 *Edward*, we find this recited in the Preamble to the Statute of *Merchants*; and is expresly said to be made by the King and his Council, in a Parliament held at *Acton-Burnel* after *Michaelmas*, in the 11th Year of his Reign. We have another Authority in *Prynne*'s *Collections*, p. 311, *&c.* where you find an Act in Favour of the Bishop of *Durham*, dated at *Acton-Burnel*, *October* the sixth this Year. *Nicholas Trivet*, also an antient Writer[c], mentions two Parliaments, or two Meetings of the same, in the 11th of *Edward* I. *post Festum S.* Mich. Salopiæ, where *David* was condemned; and at *Acton-Burnel*, *post Festum S.* Mich. also. By the Times of Meeting being so near, it seems most probable that the last was only a Prorogation for the Convenience of a great Room. King *Edward* I.

In the Year 1285 another Parliament was called to meet at *Westminster* after *Easter*; the *Annals* of *Waverley*, *ad An.* 1285, say the King marched in Procession thro' *London* to *Westminster*, 11 *Kal. Maii*, and immediately after mentions a Parliament held there, where were made some Additions to the antient Statutes of the Realm, which bear the Title of *The Statutes of Westminster the Second.* The Act called *Circumspectè agatis* was also passed this Session of Parliament in Consequence of the Clergy's Complaints, because they thought their Jurisdiction abridged by some former Statutes and Points to which you have their Complaints at large, printed in the *Councils*[d]; and you will find there likewise two other Sets of Complaints relating to the Proceedings of the King's Courts, with the Answers and Replies. This Statute of *Circumspectè*, *&c.* was all the Relief they could get, but was by no Means adequate to their Desires. Anno Regni 13. 1285. At *Westminster*.

We meet with another Parliament, or a Prorogation of the last, at *Winchester* this Year. The *Annals* of *Worcester* say the King was at *Winchester*, on the Feast of the Nativity of the Virgin, *Sept.* 8, which is confirmed

c P. 259, 260. *Nicholas Trivet* died in 1328. *Historical Library.*
d From the Register of *Giffard* Bishop of *Worcester.*

King *Edward* I. firmed by *M. Weſtminſter*; who alſo writes, That the Statute of *Winton* was then made; but neither one nor other of theſe Authors mention a Parliament to be there at that Time. The *Annals* of *Waverley* however are ſomewhat clearer; and ſay, That the King being at *Wincheſter*, about the Beginning of *October* this Year, put out a Statute for curbing the Rogueries of Thieves [t].

[88] The next Year King *Edward* went over into *France*, on ſpecial Occaſions, which detained him three Years in that Kingdom. In his Abſence we find that a Parliament was held at *London*, in *February* 1289, wherein *John de Kirby*, Lord-Treaſurer, demanded, as he ſaid, by the King's Orders, an Aid for the King's Charges in *France*. But the Parliament anſwered, by the Earl of *Glouceſter*, their Spokeſman, 'That they would grant 'nothing unleſs they ſaw the King perſonally preſent.' Hereupon the Treaſurer impoſed a Tallage on the Cities and Boroughs of the King's Demeſnes [u]. At his Return, which was in *Auguſt* 1289, his firſt Care was to reform ſeveral Abuſes introduced in his Abſence, particularly in the Adminiſtration. To that End he called a Parliament, ſoon after his Arrival, to meet at *Weſtminſter* in *January* following; where the Neceſſity of reforming ſuch great Abuſes being propounded, the Judges were all had under Examination, and, upon a plain Proof of their Extortions, they were fined to pay theſe following Sums:

Anno Regni 17. 1289.

At *London*.

Anno Regni 18. 1290.

At *Weſtminſter*.

The Judges fined for Extortion.

Sir *Ralph de Hengham*, Chief Juſtice of the King's Bench, 7000 Marks [w].

[89] Sir *John Lovetot*, Juſtice of the Common Pleas, 3000 Marks.

Sir *William Brampton*, Juſtice, the ſame Sum.

Sir *Solomon Rocheſter*, Juſtice of Aſſize, 4000 Marks.

Sir *Richard de Boyland*, 4000 Marks.

Sir *Thomas Sodington*, 2000 Marks.

Sir *Walter Hopton*, 2000 Marks.

The four laſt were itinerant Juſtices.

Sir *William de Saham*, 3000 Marks.

Robert Litlebury, Maſter of the Rolls, 1000 Marks.

Roger

[t] *Rex in Principio Menſis Octobris apud* Wyntoniam *Statuta quædam addidit ad refrænandum Latronum inſidias.* An. Waverl.

[u] *Chron. T. Wykes*, p. 117.

[w] *Chron. T. Wykes*, p. 118. *Chron. de Dunſtable.* *Daniel's Hiſtory.*

Roger Leiceſter, 1000.

Henry de Bray, Eſcheator and Judge for the *Jews*, 1000.

Sir *Adam de Stratton*, Chief Baron of the Exchequer, according to ſome, (to others, only Chief Clerk of the Courts) no leſs than 34,000 Marks.

And Sir *Thomas Wayland*, Chief Juſtice of the Common Pleas, who was found the greateſt Delinquent, had all his Goods and whole Eſtate confiſcated to the King, and was alſo baniſhed for ever out of the Kingdom.

An ingenious Hiſtorian [x] obſerves, that if the laſt Forfeiture was but equal to Sir *Adam Stratton*'s Fine, all the Fines together make near 100,000 Marks; a mighty Treaſure, adds he, to be gotten out of the Hands of ſo few Men, if it were not probable that the Fewneſs of Lawyers in thoſe Days made their Practice more advantageous even in thoſe leſs-litigious Times [y].

From this Time the Judges were obliged to ſwear, at the Entrance into their Offices, that they would take no Money or Preſent of any Kind, except a Breakfaſt, from ſuch Perſons as had Suits depending before them.

A very learned Gentleman, who has favoured us with his Remarks on the Parliaments in this particular Reign [z], ſays, 'That the King, ſoon after his Return from *France*, called a Parliament to meet in *January* following, and conſequently in 1290, 18 *Edw.* I. The Affair of the Judges is placed by all our Hiſtorians in 1289; nor does it appear to me, he adds, to have been done in Parliament. *Tho. Wykes*, after mentioning the King's having ſummoned the Parliament to meet on the Feaſt of St. *Hilary*, [1290] goes on and mentions a Proclamation, That all thoſe who had received any Injuries from his Judges, Sheriffs, or other Officers, ſhould perſonally lay their Complaints before the appointed Parliament, where they ſhould receive ample Juſtice (*Juſtitiæ Complementum*); and immediately after ſays, *Jure quidam* [*f. quidem*] *Summus Juſticiariorum de Banco*, and ſo relates the Crimes and Puniſhments of the Judges; but, adds our Commentator, upon carefully reading all *Wykes*,

[x] *Sam. Daniel.*

[y] There were but two Judges out of the whole Bench that were not found faulty, *viz. John de Meſſingham* and *Elias de Beckingham*. Hollingſhead's Chron.

[z] The late *Robert Hoblyn*, Eſq; Member for *Briſtol*.

King *Edward* I. *Wykes*, I can find no neceſſary Inference that the Judges were puniſhed in, or by, Parliament.

The *Annals* of *Waverley*, *ad An.* 1289, ſpeaking of the King's Return, ſay he found great Injuſtice had been done in his Abſence, and great Complaints were made; *cito poſt Parliamento apud* Weſtmonaſterienſis *omnium Procerum convocato, omnes Juſticiarios ob Officiis amovit*; but this is placed in 1289; nor can it, I think, from theſe Words, or from thoſe in *Trivet*, who ſays, *auditis Querimoniis, &c. Rex omnibus exhibens Juſtitiam, Juſticiarios fere omnes, de Falſitate deprehenſos, a ſuo Officio depoſuit ipſos, juxta Demerita puniens gravi Mulcto. Tenuit hoc Anno Parliamentum, &c.* be inforced to be done in Parliament.

The *Annals* of *Worceſter* are ſilent both as to the Judges and the Parliament; and *Hemingford* mentions only the latter, and takes no Notice of the Judges: But the *Annals* of *Dunſtable* are very full in the Affair of the Judges; and what I find in thoſe *Annals*, concludes our Annotator, inclines me ſtill to think that it was no Parliamentary Tranſaction; but an Exerciſe of the Regal Power without them.——But now to our real Parliamentary Proceedings.

It does not appear, from either Hiſtories or Records, that the Commons, that is the Burgeſſes, were called up to this Parliament. The Writs directed to the Sheriffs were to return two or three of the moſt diſcreet Knights for each County, and were dated *June* 14, 18 *Edw.* I. [1290] but no Mention of any Citizens or Burgeſſes. Indeed the Controverſy about this Parliament, and what theſe Knights were to do, takes up ſo large a Space in *Brady* and *Tyrrel*, that we muſt refer ſuch of our Readers, curious enough to enter into their Diſputes, to theſe Authors themſelves, it being the Purport of this Hiſtory to relate Facts as they happened, and not enter into any Cavils about them.

It appears that there were no leſs than three Parliamentary Meetings this Year; but whether by Prorogation, or new Calls, we know not. The firſt at *Weſtminſter*, in *January* 1290, according to *Wykes* and the *Annals* of *Dunſtable*[z]. The ſecond, *poſt Paſcha*, 1290, according to *Hemingford* and the aforeſaid *Annals*[a], alſo by

[z] *An. de Dunſtable*, publiſhed by *T. Hearne*, p. 563.
[a] *Idem*, p. 582, &c.

by the Statute *Quia Emptores Terrarum*, &c. dated at *Weſtminſter* after *Eaſter*, to wit, in the *Quinzieme* of St. *John Baptiſt*. The third Meeting was ſoon after the laſt, when the Knights were called, and attended; they were ſummoned to appear in three Weeks after St. *John Baptiſt*. The two laſt of theſe Meetings, ſays an Author [y] of great Credit, were, by Adjournment, to two Towns; the one in the County of *Bucks*, the other in *Northamptonſhire* [z]. King *Edward* I.

An Affair of Conſequence came before this Parliament, which was the entire Baniſhment of the *Jews* out of the Kingdom. The Nation had long deſired it, but the *Jews* ſtill found Means to divert the Blow, by large Preſents to the King and his Miniſters. They wanted to play the ſame Game again now, but could not do it, the King being unable to protect them any longer, and unwilling to riſque the diſobliging his Parliament on their Accounts. Accordingly the Act of Baniſhment was paſſed, whereby their immoveable Goods were confiſcated; but they had Leave to carry away the reſt with them. [90] The *Jews* baniſhed.

There ſeems to be two different Tranſactions, in this Parliament, relating to the *Jews*; one to reſtrain their Uſury, &c. and the other to ordain their Baniſhment. Lord *Coke* in his *Inſtitutes*, on the Statute *de Judaiſmo*, aſſerts the one, and the laſt is proved by the Act made on purpoſe for it [a]. The Number of theſe baniſhed *Jews*, according to *Mat. Weſtminſter*, were 16,160; and the Parliament were ſo well pleaſed to get rid of theſe Extortioners, that they readily and willingly granted the King an Aid of a Fifteenth, and the Clergy a Tenth, out of all their Moveables; and joined with the Laity in granting a Fifteenth of all their Temporalities, up to their full Value, to make the King ſome ſmall Amends for the great Loſs he ſuſtained by the *Jews'* Exile. The King

y There are no leſs than forty-ſix different Pleadings in *Ryley*, on Petitions, &c. on private Buſineſs tranſacted in this Parliament, and at two Adjournments of it, to *Clipſton* and *Aſhruggs*. The ſame Author has given ſeveral Pleadings, on private Property, at a Parliament held at *London*, the Day after *Epiphany*, in the 20th Year of this King; but we find no Mention of it in any Hiſtorian whatſoever. *Ryley's Placita Parl. An.* 18 and 19 *Edw.* I.

z *Clipſton* and *Aſhruggs*. There are two Towns of the ſame Name in each County; only the latter, in the *Nomina Villarum*, is ſpelt *Aſpruge*.

a See *Statutes at large*.

King *Edward* I. King was not ungrateful, neither, in his Remembrance of the Parliament's Benevolence to him at this Time; for, several Years after, *viz.* in the 34th of his Reign, when he demanded an Aid for knighting his eldest Son, and carrying on the War with *Scotland*, he exempted all those Persons from paying it, who had contributed towards the Fifteenth granted to him by Parliament for the Expulsion of the *Jews* in the 19th Year of his Reign[d].

To conclude the Business of this Parliament; the King had an Aid granted him for the Marriage of his eldest Daughter, called *Joane de Acres*, from the Place of her Birth, to *Gilbert* Earl of *Glouceſter*, a Nobleman of vast Lands and Possessions. This Aid, however, was not levied till long after it was granted; and there is a a Writ to the Sheriffs for collecting it in *Rymer*[e], dated at *Westminster* some Years after, occasioned by the long and tedious Proceeding in the Court of *Rome*, to gain a Dispensation in regard of the Princess's near Consanguinity to the Earl's first Wife. Lastly, you have, in the *Annals* of *Dunstable*, a Record, dated at *Westminster*, *May* 27, this Year, by which it appears that the Statute *de Quaranto* was made, or granted, by this Parliament[f].

Edward having now his Coffers full of Money by all the aforesaid Fines of the Judges, Confiscations, and Taxes, began to turn his Thoughts on gaining a Conquest much greater than the last, and to unite the Crown of *Scotland* to his own. Upon the Death of *Alexander* the *Scots* King, and his Grandaughter *Margaret*, without Heirs, the Crown of that Kingdom fell into Controversy. No less than twelve Competitors started at once, who were all descended from *David* Earl of *Huntingdon*, the younger Brother of *William* King of *Scots*, who was Grand-

The *Scots* Crown being in Contest, *Edward* acts the Arbitrator.

[d] *Et quod in taxando Bona predicta, excipiantur omnia quæ in Taxatione* 15ma. *a Communitate Regni D. Regi, Anno Regni sui* 19, *concessa, propter Exilium* Judeorum, *fuerunt excepta.* Petyt's Rights of the Commons, p. 172, *in Appendice.*

[e] *Fœd. Ang.* Tom. II. p. 912. By this Writ it seems as if the Commons were not called to this Parliament. The Words are, *Sciatis quod cum primo Die* Junii, *An. Reg. nost.* 18, *Prelati, Comites, Barones, et ceteri Magnates de Regno nostro, concorditer, pro se et tota Communitate ejusdem Regni, in pleno Parliamento nostro, nobis concesserint* xl *Solidos, de singulis Feodis Militum in dicto Regno, ad Auxilium de primogenitam Filium nostram maritandam, levari sicut hujusmodi Auxilium alias in casu consimili concessum levari consuevit; cujus quidem Auxilii levationi faciendæ, pro dictæ Communitatis Assamento hucusq; supersedimus gratiose.—Aggravamus, &c.*

[f] *Annales de Dunstable* p. 582.

Grandfather to the late King *Alexander*. *Edward*, pre- King *Edward* I.
tending a Right of Superiority over that Kingdom from his Anceſtors, undertakes to decide the Quarrel. The Regency of *Scotland*, to avoid greater Inconveniences, were forced to make him Arbitrator, and the ſix chief Competitors to ſtand to his Award. *John Baliol*, Lord [91]
of *Galloway*, and *Robert Bruce*, Lord of *Annandale*, both deſcended from the aforeſaid *David*, had the plaineſt and moſt indiſputable Claim. How *Edward* play'd his Cards in the managing his real Intention betwixt theſe two Claimants, is told at large in moſt or all of our Hiſtorians, and is needleſs here. But ſomewhat is neceſſary to premiſe concerning this *Scots* Affair, becauſe the Courſe of our Parliamentary Inquiries is very much concern'd in it.

The firſt Step that *Edward* took in this Matter was a peaceable one, which was to inſure the Succeſſion of the Kingdom of *Scotland* to his Poſterity, by a Marriage betwixt his eldeſt Son, Prince *Edward*, and *Margaret*, Daughter of *Eric* King of *Norway*, by *Margaret* the only Daughter of *Alexander*, who was, at her Grandfather's Death, the undoubted Heireſs to the Crown of *Scotland* [g]. The King ſent Meſſengers into *Norway* to treat about this Marriage, and *Eric* gave his Conſent ſo far as it was conſiſtent with the Deſires of the *Scots* Nobility, *&c.* and the Good of that Kingdom. The Articles on which this Marriage was to have been conſummated are at Length in Dr. *Brady*, and are unneceſſary here. But this grand Deſign was totally fruſtrated by the Death of the young Queen of *Scotland*, in her Voyage towards *England* for that Purpoſe, which left the Field open for the reſt of the Competitors to purſue their ſeparate Claims.

Edward now had another Game to play; and that was to pretend a Right to an abſolute Dominion over the Crown of *Scotland*, in Caſe of ſuch an Accident, Anno Regni 20.
and to ſet up himſelf as Umpire in the ſeveral Conteſts 1291.
for that Crown. To that End he ſummoned a Parliament to meet at *Norham*, on the Confines of the two At *Norham*.
Kingdoms; and on the 10th of *May*, 1291, by the King's Command, the Nobility, Prelates, Knights, and

 many

[g] She was called the Maid of *Norway*, Queen of *Scotland*. *Buchan.*

King *Edward* I. many others of both Kingdoms, met at that Place [h]; where *Roger Brabanzon*, or *Brabaran*, Chief Juſtice of *England*, in the Preſence of a public Notary, and Witneſſes purpoſely called, in the King's Name, told them that, 'He taking Notice in what Confuſion the Nation 'had been ſince the Death of *Alexander*, their laſt King, 'and his Children, (out of the Affection he had for them 'and all the Inhabitants thereof, whoſe Protection and 'Safeguard was well known to belong to him, and for 'the doing Right to all that claimed the Kingdom and 'the public Peace; to ſhew them his Superiority and 'direct Dominion, out of divers Chronicles and Monu-'ments, preſerved in ſeveral Monaſteries) purpoſed to 'uſe his Right; but yet to do Juſtice to all, without 'Uſurpation or Diminution of their Liberties, and to 'demand their Aſſent to, and Recognition of, his Supe-'riority and direct Dominion over them.'

[92]

The Chief Juſtice having ended his Harangue, and the *Scots* Lords there preſent underſtanding his Meaning, they required Time to conſult with ſuch of their ſeveral Orders as were abſent; which the King granted them to the next Day only. Accordingly the next Day, *May* 11, they all met again in the Church of *Norham*, and then they earneſtly preſſed the King to give them longer Time to conſult with ſuch as were abſent, and anſwer to his Demands concerning their Recognition of his Superiority and direct Dominion over the Realm of *Scotland*, which he had claimed as his Right [i]. Upon Deliberation, the King gave them Time till the 2d of *June* next, and on that Day, preciſely, they were to anſwer to his Demand; and if they had any Evidence, Writings, or Antiquities, which could exclude him from his Right aforeſaid, or overthrow his Reaſons and Arguments for it, they were then to exhibit and ſhew them; proteſting he was ready to allow them what the Law permitted, and would do what was juſt and equitable.

And that they might the better underſtand his Title, and make their Objections againſt it, the Biſhop of *Durham* [k] was appointed to declare it to the Nobility and Pre-

[h] *Congregatis apud* Norham, *ad Regis Mandatum, utriuſque Regni Nobilitas et cum Prelatis, Militibus et perpluribus aliis in Multitudine copioſa.* Mat. Weſtm. *ſub hoc Anno.*

[i] *Quod dicebat eſſe Jus ſuum.* Mat. Weſtminſter.

[k] *Anthony Beck.*

Prelates there preſent. The Declaration he made, and the Arguments he uſed, were hiſtorical, and taken from the Manuſcripts of *Marianus Scotus*, *William* of *Malmſbury*, *Roger de Hoveden*, *Henry de Huntingdon*, *Ralph de Diceto*, and the *Chronicle* of *St. Alban's*, [which is *M. Paris*] 'That the *Scots* had been conquered by ſeveral of our *Saxon* Kings; that ſeveral of their Kings had 'ſubmitted to them, ſworn Fealty, done Homage, and 'received the Crown and Kingdom from them; and 'that the *Scots* had alſo ſubmitted and been governed by 'ſuch Kings as the *Engliſh-Saxon* Kings had given that 'Kingdom to, and placed over them; that after the 'Conqueſt the very ſame Things had been done, ſubmitted to, and complied with, in the Reigns of *William* I. and II. *Henry* I. *Stephen*, *Henry* II. *Richard* I. '*John*, and *Henry* III.' King *Edward* I. [93]

Thus this Affair ſtands in our firſt Edition of this Work; but we have ſince ſeen a Copy of this Inſtrument, at large, collected and printed by the voluminous Mr. *Prynne*; and large it is, indeed, being contained in many Sheets of a huge *Folio* Volume, with a Preface to it drawn up by himſelf. The Curious may perhaps not be diſpleaſed if we give them a Taſte of this Performance, and ſhew them that our Great King *Edward* deduced his Claim to the Dominion of *Scotland*, *a nubibus*, as it were; that is, from the Times of the High Prieſthood of *Judea* under *Eli* and *Samuel*; and that the idle dreaming Story of *Brute* and his *Trojans* was at that Time authenticated and made real, by the whole Legiſlative Power of *England*. An Abſtract from the Preamble to this may be ſeen, by thoſe that pleaſe to read it, under this Note [1].

[1] *Imprimis, Qualiter ſub Temporibus* Eli *et* Samuelis *Prophetæ Vir quidem ſtrenuus ac inſignis,* Brutus *Nomine, de Genere* Trojanorum, *poſt Excidium Urbis* Trojæ, *cum multis Nobilibus* Trojanorum *in quandam Inſulam tunc* Albion *vocatam, a Gigantibus inhabitatam; quibus ſua et ſuorum deviatis Potentia et occiſis, eam Nomine ſuo* Britanniam, *ſocioſque ſuos* Britones *appellavit. Et ædificavit Civitatem quam* Troinovantum *noncupavit, quæ Modo* Londonia *appellatur. Et poſtea idem* Brutus *dictam Inſulam in tres Partes dividens, eam tribus ſuis Filiis reliquit poſſidendam,* Logrino, *vide licet,* Albinacto *et* Cambro: Logrino *vero quia primogenito illam Partem* Britanniæ *quæ nunc* Anglia *vocatur, cum Superioritate et Dominio Partium aliarum;* Albanacto *verò ſecundo ſuo nato illam Partem* Britanniæ, *quæ nunc a Nomine* Albanacti Albania *dicta, nunc verò* Scotia *noncupatur;* Cambro *verò tertio ſuo Filio Partem illam quæ tunc ſuo* Cambria, *nunc verò* Wallia, *vocitatur; reſervato tamen* Logrino *ſeniori regia ſemper Dignitate. Petebat enim* Trojana *Conſuetudo quod Dignitas Hereditatis Primogenito proveniret. Biennio verò poſt Mortem* Bruti *applicuit in* Albinia *quidem Rex* Hun-

King *Edward* I. After the King of *England*'s Title to the Dominion of *Scotland* had been thus declared and publiſhed, on the ſecond of *June* the Biſhops, Prelates, Earls, Barons, &c. repreſenting the whole Community of *Scotland*, met, in order to make the beſt Claim they could to their own Country, ſays our Authority, in a green Plain on the Banks of the *Tweed*, directly oppoſite to the Caſtle of *Norham*, where *Edward* then reſided [m]. To them was ſent the Biſhop of *Bath* and *Wells* [n], to demand, in the King's Name, 'What they had done ſince the laſt 'Meeting, and whether they would ſay, exhibit, pro-'pound, or ſhew any Thing that could or ought to ex-'clude the King of *England* from the Right and Exer-'ciſe of the Superiority and direct Dominion over the 'Kingdom of *Scotland*; and that they would there and 'then exhibit it, if they believed it was expedient for 'them; proteſting, in the King's Name, that he would 'favourably hear them, allow what was juſt, or report 'what was ſaid to the King and his Council; that upon 'their Deliberation they might do what Juſtice requir'd.'

Upon repeated Demands on this Matter, the *Scots* anſwered nothing; whereupon the Biſhop recapitulated [94] all that had been ſaid, at the laſt Meeting, relating to the King's Claim; and a Public Notary being preſent, the Right of deciding the Controverſy between the ſeveral Competitors for that Kingdom, was entered in Form for the King of *England*.

After which the ſaid Biſhop, beginning with *Robert Bruce*, Lord of *Annandale*, and one of thoſe that claimed the Right of Succeſſion to the Crown of *Scotland*, he aſked him, in the Preſence of all the Biſhops, Earls, Barons, &c. 'Whether, in demanding his ſaid Right, he 'would anſwer and receive Juſtice from the King of '*England*, as ſuperior and direct Lord over the King-'dom

Hunnorum, *Nomine* Humber, *et* Albinactum *Fratrem* Logrini *occidit. Quo audito* Logrinus *Rex* Britannorum *perſecutus eſt eum, qui fugiens ſubmerſus eſt in Flumina quod de Nomine ſuo* Humber *vocatur, et ſic* Albinia *revertitur ad dictum* Logrinum. *Hæc autem in Hiſtoria* Bruti. *Item in Chronicis* Mariani Scoti, Rogeri de Hoveden, &c. &c. Prynne's Supreme Juriſdiction, &c. Vol. III. p. 490, 491, &c. Folio, *Lond.* 1670.

[m] *Congregatis ex oppoſito Caſtri de* Norham, *ex alia Parte Fluminis* Tweedæ *in quodam Area viridi, Epiſcopis, Prelatis, Comitis, et Baronis, aliiſque Nobilibus Viris,* Jus ad dictum Regnum vendicantibus, &c *Rot. de Superioritate Regis* Ang. *in Turre* Lond. *Vide* Brady's *Complete Hiſtory*, Vol. II p. 19.

[n] *Robert Burnet.*

'dom of *Scotland?*' Who presently, publickly, openly, and expressly, in the Presence of them all, and the Public Notary, none contradicting or gainsaying, answered, 'That he did acknowledge the King of *England* superior and direct Lord of the Kingdom of *Scotland*, and 'that he would, from and before him, as such, demand, 'answer, and receive Justice.' King *Edward* I.

The Bishop then proceeded with all the other Competitors in like Manner, who had the same Question put to them, and received from them the same Answer; and they did not only make this public Recognition, but they all joined in Letters Patent to the King to corroborate the same [d].

The Consequence of all this was, that the Affair of the Succession to the Crown of *Scotland* was debated by Commissioners of both Nations to the Number of Fourscore in all; and the King was to give Judgment according to Equity and Justice. The Disquisition of this Matter is amply taken Notice of by most of our more modern Historians; and as the *English* Parliament had yet nothing to do with the Controversy, it is unnecessary here. But at the Time that *Edward* had appointed to give Sentence in this weighty Affair, a full Parliament was summoned to meet at *Berwick* upon *Tweed* [e], where all the Commissioners appeared, as well as all the Candidates, by themselves or Proxies. The Competitors were, *Eric* King of *Norway*, *Florence* Earl of *Holland*, *William de Vesey*, *Patric de Dunbar*, *William de Ros*, *Robert de Pinkeny*, *Nicholas de Saules*, *Patric Golythly*, *John Baliol*, and *Robert Bruce*. All, except the two last, declared that they did not intend to prosecute their Claims any further, and withdrew their Petitions: Upon this the King declared that they had no Pretensions to the Crown of *Scotland*. *John Comyn* and *Roger de Mandeville*, not appearing to maintain their Claims, they were likewise rejected. After which the King pronounced, that *John Comyn*, *John de Hastynges*, and *Robert Bruce*, who had each of them claimed a Right of

Anno Regni 20. 1292.

At *Berwick*.

[95]

d These Letters Patent are preserved in *Matthew Westminster*, and in *Brady*'s *Complete History*, Vol. II. *App.* N°. ii.

e See the Sentence at large in *Rymer*'s *Fœdera Angliæ*, Tom. II. p. 588. *Apud* Berwyk *super* Twedam, *in Aula Castri ejusdem Villæ, in pleno Parliamento*, &c.

King *Edward* I. a third Part of the Kingdom, had no Right to any Part, becauſe the Kingdom of *Scotland* could not be divided.

John Baliol declared in Parliament King of *Scotland*,

There were no Claimants remaining now but only *John Baliol*; and he was accordingly declared, in full Parliament, to be the only Perſon that had a Right of Poſſeſſion [f]. *Edward* therefore adjudged the Crown of *Scotland* to him; ſaving, however, to himſelf and Succeſſors, the Right of proſecuting their Pretenſions to the ſaid Kingdom, whenever they thought proper [g]. Then he addreſſed himſelf to the new King, and told him, 'That he ſhould take Care to govern his People with 'Equity, leſt, for want of executing Juſtice, the Sove-'reign ſhould be obliged to make uſe of his Right to 'redreſs their Grievances.' After this he appointed him the *Thurſday* following to ſwear Fealty, and *Chriſtmas-Day* next to do Homage to him at *Newcaſtle*; which were both accordingly done in very ſtrong Terms, and with great Solemnity [h].

And performs Homage to *Edward* for that Kingdom.

[96]

But the Majority of the *Scots* Nobility, *&c.* were by no Means pleaſed with the Award of the King of *England*, and blamed him highly for his Partiality in the Affair. Beſides, they began now to ſmell out *Edward*'s Deſign; which was to embroil their Nation in a Civil War, and to make his own Advantage of it; for tho' *Baliol*'s Title to the Crown ſeemed to be the ſtrongeſt, yet *Bruce* was the greater Favourite of the Nation. But whether *Edward*'s firſt Deſign was an entire Conqueſt of *Scotland*, or only to eſtabliſh the Supremacy of the *Engliſh* Kings over that Nation, we find is a Queſtion not clearly anſwered by our Hiſtorians. The *Public Acts* have given us a Proof, that *Edward*'s Claim to Supremacy over *Scotland* was not well grounded: For, except the Homage done by *William*, the *Scots* King, to *Henry* II. as mentioned before, there was never any other Proof of Homage made by the Kings of *Scotland* for the whole Nation. As a Teſtimony of this, the Col-

[f] *Baliol* was deſcended from the eldeſt Daughter of *David* Earl of *Huntingdon* whereas *Bruce* ſprung only from the ſecond. The Cuſtom, as well of *England* as *Scotland* was, that the Deſcendant of the eldeſt Daughter, tho' more remote, was preferable to a nearer coming from the younger. *Brady*.

[g] *Salvo Jure ejuſdem Domini Regis* Angliæ, *et Hæredum ſuorum cum voluerunt inde loqui.* Rymer's Fœdera Angliæ, *Tom.* II. *p.* 589.

[h] *Apud* Novum Caſtellum *ſuper* Tynam, *in Aula Palatii ipſius Domini Regis infra Caſtrum, &c. Ibid.* p. 593.

Collection aforesaid gives us an Instrument, whereby we find that *Edward*'s High Chamberlain having demanded of *Baliol* the Fees due from the Vassals when they did Homage, there was no Precedent of them to be found: So that *Edward* was forced to call a Parliament at *Westminster* soon after, where, by their Advice, he fixed the Fees at Twenty Pounds Sterling; which was double the Sum paid by an Earl on the like Occasion [i]. King *Edward* I.

It was not long after this that *Baliol* found the bad Effects of his Subjection, being often summoned to appear before *Edward* in Person, on the bare Complaints of private People; by which he was become rather the absolute Slave than Vassal to the King of *England*. And, in a Parliament held about *Michaelmas* 1293, this King of *Scotland* was obliged to stand at the Bar, like a private Person, and answer to an Accusation brought against him for denying Justice, and imprisoning the Earl of *Fife* [k]. This was a great Mortification for a Crown'd Head, but *Edward* was bent upon shewing him, by this Conduct, what he was to expect from him for the future. *Baliol*, in Plea to the Accusation, alledged that, as it concerned his Crown, he could not answer to it without first advising with his Subjects [l]. This Excuse not being deemed valid, the Parliament ordered that three of his principal Castles should be seized into the King's Hands till he gave full Satisfaction [m]. The *English* Authors affirm, that, before the Sentence was pronounced, *Baliol* presented a Petition, acknowledging the Sovereignty of the King of *England* over *Scotland*, and praying *Edward* to allow him Time till he could consult his Parliament [n]. As soon as he had stoop'd so low as to petition, his Demand [97]

i *Rymer*'s *Fœd.* Tom. II. p. 600.

A Copy of this Award is also amongst the Parliamentary Records, in Lord *Wilmington*'s Copy of them, from Rot. clauf. 22 *Edw.* I. m. 8. dorso.

k *Buchanan* pretends that it was by Accident that *Baliol* happened to be in that Parliament: His Words are, 'As *Baliol* was *casually* sitting by '*Edward* in the Parliament-House, and when he was called would have 'answered by a Procter, it was denied him, so that he was forced to rise 'from his Seat, and to plead his Cause from a *lower Place*.' *Buchanan*'s *History of Scotland*.

l The whole Process, after the Summons, of this Matter, relating to *Macduff*, the Son of *Malcolm* Earl of *Fife*, is at large in *Ryley*'s *Placita Parliamentaria*, p. 192, &c.

m The Castles were those of *Jedburgh*, *Berwick*, and *Roxburgh*. Rymer.

n The Petition was made by his own Mouth, before the King and Council, and delivered in Writing. The Form of it is in *Ryley*'s *Placita Parliamentaria*, p. 159, in *French*, translated by *Tyrrel*, Vol. II. p. 76.

King *Edward* I. mand was granted, and a certain Day was assigned him to appear. The *Scots* King went back into his own Country, but so incensed at the Affront he had received, that he was bent upon trying all Means to free himself from so intolerable a Yoke.

But, while we are thus attending *Scots* Affairs, we must not forget the *English*; and we find in our Statute Books some Laws that were made in the Year 1290, 20 *Edw.* I. The first is

The Statute of Vouchers, &c. by his Counsel ordained, that from henceforth, that is, from the Feast of St. *Hilary*, the 20th Year of his Reign.—*Sine Loco.*

2. Statute of Waste.—The King in his full Parliament holden the Day after the Feast of *Purification*, the 20th Year of his Reign.—*Sine Loco.*

3. Statute of defending Right.—Done in full Parliament. *Monday* next after the Feast of *Purification*, the 20th Year of his Reign.

None of these Statutes mention the Place where they were made. There are two Acts of State, in *Rymer*, of this Year; the one of *Jan.* 2, the other of *March* 26, both dated at *Westminster*; but whether in the Time of this Parliament or not, is uncertain. There is also, in the Margin of the Manuscript of the *Annals* of *Dunstable*, from which *T. Hearne* published his Edition, [p. 598] a Memorandum to this Purport, *Hoc placitatur coram Rege, et in Parliamento suo Termino* Hilarii, *An.* 20 Ed. I. Rot. 14. which agrees with the above Dates, as also with what is quoted from *Ryley*, at Note [y] [p. 90, 95] above [a]; and this is all the Information we can get from old Historians about this Parliament.

The next Year, which was the 21st of *Edward* I. 1293, we have some Evidences of another Parliament being held, wherein two other Statutes were made, as appears by *Rastall:* One, the Statute of Persons to be pu. in Assizes, in his Parliament holden in the Term of St. *Michael*, the 21st of his Reign; the other, the Statute of Trespasses in Parks, in his Parliament after *Easter*, in the 21st Year of his Reign, at the Instance of the Nobles of the Realm.

The *Annals* of *Dunstable* mention this Parliament held after *Easter* this Year at *London*; and *Tho. Wykes*

[a] See also Note [i] [p. 96, 103].

speaks

ſpeaks of a great Aſſembly, *Colloquium*, at the ſame Time. The other Hiſtorians are ſilent. Mr. *Ryley* indeed gives us ſeveral Pleadings, which he ſays were in a Parliament held this Year, after *Eaſter*, *apud* London, *in Manerium Archiepiſcopi* Eborum; but ſince Parliaments about this Time come ſo faſt upon one another, we know not what to fix on for theſe Tranſactions [a]. King *Edward* I.

In the 22d Year of this King we meet with another Parliament, or great Aſſembly, which was very remarkable in its three diſtinct Summons [b]. The firſt to *Weſtminſter*, ſoon after *Whitſuntide*, to the Nobility; the ſecond of the Biſhops and Clergy at *Weſtminſter*, *in Feſto S.* Matthæi; and the laſt, *in Craſtino S.* Martini, of the Laity. The Writ for ſummoning the Clergy is extant in the *Public Acts*, Tom. II. p. 652, dated at *Portſmouth*, *Auguſt* 19, this Year; wherein not only the Biſhops and Abbots, but the whole Convocation were ſummoned.

Our oldeſt Hiſtorians mention this Parliament with ſome Variation; the Times were very much confuſed, and conſequently the Writers of them could not be much better. Probably the *Scots* Wars, which began about this Time, occaſioned this Inconſiſtency amongſt them; and as thoſe Wars are very connective with our Parliamentary Hiſtory, we ſhall follow them as cloſely as the Nature of our Subject will bear. *John Baliol*, the new King of *Scotland*, was greatly incenſed againſt King *Edward* for his laſt ill Treatment of him, as has been ſaid, and therefore reſolved to ſhake off his Yoke as ſoon as poſſible; and about this Time an Accident happened which encouraged him greatly in his Revolt.

The King of *France* had, by a Stratagem, ſeized upon the Diſtrict of *Guienne*, in *Normandy*, on ſo ſlight an Occaſion as a private Quarrel betwixt ſome *Engliſh* and *French* Mariners. *Edward* acquainted this Parliament with the Loſs of *Guienne*, and the ill Uſage he had received from the *French* King. *John*, King of *Scotland*, was preſent at this Parliament; and, when they were told by *Edward*'s Ambaſſadors the ſhuffling Anſwers they had from the *French* King, it was unanimouſly [98] reſolved

[a] *Ryley*'s *Placit. Parl.* p. 114.
[b] Archbiſhop *Wake*.
Circa Pentecoſten. Annales *Wygorn.*

King *Edward* I. resolved to recover the Duchy of *Guienne* by Force of Arms [p]. *John Baliol* himself granted to *Edward*, towards the Expence of this War, the Revenues of his Paternal Estate in *England* for three Years; a Copy of his Countenance only for that Time. For,

Scotland revolts; Notwithstanding this Concession of the *Scots* King, he hoped for greater Advantages from this Rupture; and accordingly he concluded a secret Alliance with the King of *France*, and promised to invade *England* as soon as *Edward* transported his Armies abroad. *Edward* got Intelligence of this Plot, contrived against him at *Paris*, by Means of Prince *Edmund* his Brother, who was just returned from thence; and therefore the King asked an Aid from both Clergy and People, to enable him to raise Forces to withstand these dangerous Enemies. On which the Laity readily gave the King a Tenth of all their Goods, except some small Jewels; but the Clergy more liberally and chearfully [d] gave him one Half of theirs, indistinctly, according to the Taxation made by the Bishops of *Winchester* and *Lincoln*. The Merchants also of the Realm contributed a Seventh of their Goods for the same Purpose [e].

This liberal Grant to the King from the Clergy did not, however, save them from further Depredations; for, very soon after, he made a Seizure of all the ready Money and Treasure he could find deposited in Churches, Monasteries, *&c.* throughout *England* in one Day [f]; by which he must have amassed a vast Sum: And being flushed with these Acquisitions, *Edward* defied all his Enemies; and sent two *Dominican* Friers into *France*, to renounce all Homage to the King thereof, which was due to them from the Kings of *England*, since the Time of the Conquest. The original Message in *French* is in the *Public Acts*, *ad Ann.* 1294, but without any Date.

Other Writers, and those Monks too [g], tell you that the Clergy were not so free in making so large a Grant as

[p] Mat. Westminster, *sub hoc Anno.*

[d] *Liberaliter & gratanter.*

[e] Annales *Wygorn.* p. 515. *de Dunstable*, p. 622, 623.

[f] *Hemingford*, p. 43, *ad An.* 1293, 4°. *Die* Julii, *Horâ* 3ª. The King seized all their Wool also, and kept it till it was redeemed at a fixed Price.

[g] *Mat. Westminster*, Annal. *Wygorn.*

as the King demanded of them; but that when they were debating about it, a certain Knight, called Sir *John Havering*, who had been Governor of *Guienne*, came amongſt the Clergy, as they were ſitting in the Monks' Hall at *Weſtminſter*, and ſaid, by Authority no doubt, 'Reverend Fathers, if any of you dare to contradict the 'King's Commands in this Buſineſs, let him ſtand forth 'in the Midſt of this Aſſembly, that his Perſon may be 'known and taken Notice of, as a Breaker of the Peace 'of the Kingdom.' At which Words they all ſat ſilent, and made no Oppoſition to the King's Demand, as they had often done in the Time of his Father. King *Edward I.*

They had the Courage, however, on the Credit of this extraordinary Grant, to aſk the King ſoon after for a Repeal of the *Mortmain* Act; to which the King anſwered, *That it was done in full Parliament, and could not be repealed but in another* [h].

In the Courſe of this Parliament and of ſome preceding, we do not find many Traces of what different Members they were compoſed, the Writs for calling them being loſt. The lower Order being moſtly compriz'd in the general Word *Populus*; ſo *Magnates, Clerus, et Populus*, contains all the three Orders, as delivered down to us by our Monkiſh Writers. *Prynne*, in his *Regiſter*, Part II. p. 31, mentions two Writs from the King to the Sheriff of *Northumberland*; [clauſ. 22d of *Edw.* I. m. 6. dorſo] the firſt dated *Oct.* 8, at *Weſtminſter*, to ſend two Knights; the next, *October* 9, *ibid.* to ſend two more Knights, who were to be at *Weſtminſter in Craſtino S.* Martini; but no Mention of Citizens or Burgeſſes. *Dugdale*, in his Summons to Parliament, p. 7, has publiſh'd the ſame Writs with *Prynne*, and from the ſame Rolls, but in different Words; for he expreſly ſays, *Et de qualibet Civitate, ejuſdem Comitatus, duos Cives, et de quolibet Burgo duos Burgenſes.* If this laſt be right, it is ſomewhat ſtrange that Mr. *Prynne* ſhould miſs it, who collected every Thing that

[h] *Walter Hemingford*, p. 52, *&c. Conſilio Magnatum ſuorum factum erat, et ideo abſq; eorum Conſilio non erat revocandum.*

It is ſaid that *William Montford*, Dean of St. *Paul's*, had prepared a Speech to work the King to a milder Reſolution. The Man ſeem'd to be very well when he came to Court; but after he was brought into the Preſence, and had begun his Harangue, he ſunk down and expired. *Mat. Weſtminſter.*

King *Edward* I. that was in Favour of the Houſe of Commons relating to the Antiquity of that Houſe.——But to return to the Hiſtory of *Scots* Affairs.——

King *Edward*, as we have ſaid, having got this large Supply from his People, inſtead of *France*, intirely bent his Mind on the Conqueſt of *Scotland*, which would be of much greater Importance to him than the other. But to prevent the King of *Scotland*'s Deſigns, he demanded of him the three Caſtles aforementioned, which *Baliol*, to amuſe and gain Time, actually delivered him [s]. So ſays an Act of State in *Rymer*; but, notwithſtanding that, it does not appear that the King of *England* had thoſe Caſtles in Poſſeſſion till he had conquered all.—— *Hemingford*, who is very particular in this Tranſaction, tells you the Demand of them was deſpiſed; and gives us a Copy of the Reſignation, or Diſclaim of Homage, which he ſays was delivered to King *Edward* at *Berwick*, after he had taken that Fortreſs by Force of Arms. And being now aſſured of his Revolt, *Edward* loſt no Time with him, but marched his whole Army directly for *Scotland*; and *Baliol*, being certain of Aſſiſtance from *France*, bids Defiance to King *Edward*, renounced his Oath and his Allegiance, as unlawfully promiſed; alledging that it was not in his Power, without the Conſent of the States, to do any ſuch Acts.

[99] 'And now, ſays an Hiſtorian [t], began the Conteſts 'between the two Nations, which ſpilt more Chriſtian 'Blood, did more Miſchief, and continued longer than 'any Wars, that we read of, between any two People 'in the World: For all the Kings which ſucceeded for 'three hundred Years together, even to the bleſſed 'Union of them by King *James* I. had their Share more 'or leſs in this Quarrel. And though *England*, being 'much the greater and ſtronger Nation, had the good 'Fortune often to overcome, yet it was with ſo great 'Expence of Blood, Time, and Treaſure, that what 'ſhe got coſt more than it was worth, and was ſoon 'loſt again; the *Scots* being never ſo fully ſubdued, but 'that they were ſoon for recovering their Liberties again, 'and that with Succeſs. So that Providence may ſeem 'to decree no Union firm between theſe two Nations, that

[s] See *Rymer*'s *Fœd.* Tom. II. p. 692. *Walter Hemingford*, p. 83, 84. *Nicholas Trivet.*

[t] *Sam. Daniel* in *Kennet.*

'that was made by Force, but by the milder Way of Peace and Succeſſion.' King *Edward* I.

We ſhall purſue theſe *Scots* Wars no farther than is conſiſtent with our Deſign; ſufficient it is to ſay that *Edward*, in a very ſmall Space of Time, over-run all *Scotland*, and reduced *Baliol*, with the reſt of the Nobility, to ſue to him for Peace. After which he called a Parliament to meet at *London* the ſame Year, in order to treat with two Cardinal-Legates, who were ſent from *Rome* to compoſe the Differences, if they could, between *England*, *France*, and *Scotland*, then ſubſiſting, and ſtop the Effuſion of more Chriſtian Blood amongſt them. But is again reduced. Anno Regni 23. 1295. At *London*.

Several old Hiſtorians mention this very Parliament, tho' not at all touched on by the new. The *Annals* of *Dunſtable* tell us, That a Parliament was held at *London*, on the *Kalends* of *Auguſt* this Year, in the Preſence of the Legates. *Heminford* is ſtill more particular; for he ſays, at which Day, [*viz. Feſtum S.* Petri *ad Vincula*] the King, with his Great Men, as well Clergy as Laity [n], called particularly on the Occaſion, met theſe Cardinals, and received them with great Joy and Honour. The *Annals* of *Worceſter* alſo mention a Parliament at *London* that met on the Day aboveſaid, on Account of the Cardinals; and, laſtly, in Sir *William Dugdale*'s Summons to Parliament, you have thoſe to the Barons, at this Time, to meet on the firſt of *Auguſt*, and dated *apud album Monaſterium*, 23 *Die* Junii, *Anno Regni* 23.

It was the whole Buſineſs of this Parliament, as far as we can find, to meet theſe Cardinals, and hear what they could ſay in relation to pacifying the Differences, then chiefly ſubſiſting between the Crowns of *England* and *France*; for *Scotland* was very near a conquered Country at that Time: But all their Labour was in vain; for tho' they came over with three Propoſitions, either for a Peace, a general Truce, or, laſtly, for a Ceſſation of all Hoſtilities at Sea, till Articles for a Peace could be framed, they ſucceeded in no Part of the Buſineſs they came for. They were told that the King of *England* had entered into a ſtrict Alliance with the Emperor, and ſome

[n] His Words are, *Omnes Magnates, tam Cleri quam Populi*, p. 63.

King *Edward* I. some *Flemiſh* Princes, againſt *France*: and therefore, without their Conſent, he could do nothing [o].

Anno Regni 23. 1295. At *Weſtminſter*. The ſame Year, 1295, another Parliament was call'd, or it was by Prorogation of the laſt, to meet at *Weſtminſter* about the Feaſt of S. *Martin in Lyeme*; and there is in *Dugdale* the Summons of the Archbiſhop of *Canterbury*, the Biſhops and Proctors of the Clergy, to meet as above, on the *Sunday* after S. *Martin*, *teſte Rege apud* Wengham, 30 *Die* Sept. The Writs for ſummoning all the Members to this Parliament are ſtill extant [p]; and *Prynne* has given us the particular Writs for calling the Knights, Citizens, and Burgeſſes to meet at the ſame Time [q]. But, it being Winter, and as we ſuppoſe, the more diſtant Members not being able to get up, they were further prorogued to the *Sunday* before St. *Andrew* following [r].

The only remarkable Thing which happened in this Parliament, was a Diſpute between the King and the Clergy about Taxes. The *Annals* of *Worceſter* are very particular as to what paſſed between the King, the Archbiſhops and Clergy, on this Occaſion; and, principally, on the Care the King took to ſecure the Payment of the Taxes laid on the Poſſeſſions of the Alien Clergy in *England*. *Mat. Weſtminſter* is yet more exact than the former Authority; for he writes that, on the Eve of St. *Andrew*, [*Nov.* 29] the King met his Clergy, Great Men, and Commonalty [s], aſſembled at *Weſtminſter*, when he told them his Wants, the preſent State of Affairs, and aſk'd a ſufficient Supply for the Defence of the Kingdom. The Barons, and others of the Laity, very readily granted the King an eleventh Part of their Goods, as the Year before they gave a Tenth; and of the Merchants he had a Seventh, inſtead of a Sixth granted laſt Year. The Archbiſhops, with the reſt of the Biſhops and Clergy, went by themſelves, and debated of this Matter, when they unanimouſly agreed to allow the King a Tenth of their Spiritual Revenues. This they offered to the King; but it was refuſed, and there-

[o] Mat. Weſtminſter, *ſub hoc Anno.*

[p] See *Brady* on Boroughs. *Willis*'s *Notitia Parliamentaria.*

[q] *Prynne*'s *Parliamentary Regiſter*, Part II. p. 30. Dated at *Canterbury*, *October* 3.

[r] *Dugdale*'s *Summons*, p. 10, 11. Dated at *Odymere*, *November* 2.

[s] *Acceſſito Clero, Magnatibus, et Populo.* M. Weſtminſter.

therefore they retired to consult further about it. The King observing their Obstinacy, sent the Chief Justice of the King's Bench, with the rest of his Brethren amongst them, who said, 'My Lords the Bishops, the King 'commands you to give him a Third, or at least a 'Fourth, of your Spirituals; for what you have offered 'he will not accept of: Therefore, come down and obey 'the King's Command.' But the Bishops and Clergy were obstinate, and stuck to their first Proposal; nor did they yield when the Lord-Chancellor was sent to them from the King on the same Errand; so that *Edward*, finding them inflexible, was glad to accept their Gift to him on their own Terms. This last, and some former Testimonies of the Clergy's Stubbornness, in disputing his Commands, gave *Edward* Reason to think that he should never rule them, without putting stronger Curbs into their Mouths than had hitherto been. Accordingly we find that something very considerable that Way was now done; for, in the *Councils* of this Year, there is the Writ for summoning the Archbishop of *Canterbury* to this Parliament with the *Præmunientes* Clause in it; which, according to Archbishop *Wake*, was the first Time it had been used in Forms of that Nature.—But to return again to *Scots* Affairs. King *Edward* I.

King *Edward*, after he had thus settled Matters in the South, turned his Eyes Northward again, and summoned another Parliament to meet at *Berwick* on the 24th of *August*, 1296, in the 24th Year of his Reign. As this Parliament was called to a Town on the Confines of both Kingdoms, so was it designed to settle and secure his new Conquest of *Scotland* upon the most lasting Foundation. Accordingly a very numerous Assembly of the *English* Nobility and Gentry appeared on this extraordinary Occasion. Thither came also the *Scots* Nobility, and did their Homage and Fealty to him in a most submissive Manner; binding themselves by Letters Patent, signed with their Seals, to serve him faithfully against all Nations, and to come to his Assistance at any Time and Place he should require them: Moreover, they all, upon the blessed Evangelists, solemnly swore to observe all this before the whole *English* Parliament. The Form of these Letters Patent, which were sworn to

Anno Regni 24. 1296.

At *Berwick*.

King *Edward* I. to ſingly by all the *Scots* Nobility, is preſerved by *Henry Knyghton*, Canon of *Leiceſter* [u], in the old *Norman* or *French* Language, which we judge deſerves a Place in our Hiſtory; and the rather, becauſe we find them taken Notice of by few other Hiſtorians.——The Tranſlation of it is as follows:

[100] *To all thoſe whom theſe Letters ſhall either ſee or hear, &c. Greeting.*

The Oath of Fealty, taken to King *Edward* by all the *Scots* Peers, before the *Engliſh* Parliament.

'BEcauſe that we are at preſent under Subjection to the Thrice-noble Prince, and our dear Lord, Sir *Edward*, by the Grace of God, King of *England*, Lord of *Ireland*, and Duke of *Aquitain*, we do faithfully promiſe, for ourſelves and for our Heirs, upon Pain of Body and Eſtate, that we will ſerve him truly and loyally againſt all Manner of People that may live and die, whenever we ſhall be required or commanded by our ſaid Lord the King of *England*, or his Heirs; that we will hinder him from Damage as much as we can, and ſet upon his Enemies with all our Forces wherever they may be found. And to the End that we may firmly keep and hold theſe Preſents, we do bind ourſelves, our Heirs, and all our Goods; and we have ſworn to this upon the bleſſed Evangeliſts. Beſides, all we that are preſent, and every of us ſeparately, have done Homage to our Lord the King of *England* in theſe Words:

I Will be true and loyal, and bear true Faith and Allegiance, to Edward *King of* England, *and his Heirs, and ſerve him with Life and Limb, and do him all earthly Honour, againſt all Manner of People that may live and die; and from henceforth I will not bear Arms, nor be aiding in Counſel, againſt him, or againſt his Heirs, on any Cauſe whatſoever. So help me God and all the Saints.*

In Witneſs of theſe Things we have made theſe Letters Patent, and ſealed them with our Seals.

Given at *Berwick* upon *Tweed*, this 28th Day of *Auguſt*, in the Year of the Reign of our ſaid Lord the King of *England* twenty-four.

The

[u] *De Eventibus* Angliæ, *inter* Decem Script. col. 2482. They are alſo in the *Fœd. Ang.* Tom. II. p. 718.

The Charter of *Robert Bruce*, and ſome other Lords, begins thus: King *Edward* I.

To all thoſe to whom theſe preſent Letters ſhall come, or hear; Patrick *Earl of* March *and* Dunbar; Gilbert de Umfrevile, *Earl of* Angus; Robert de Bruce, *the Elder*; Robert de Bruce *the Younger*; *the young Earl of* Carrick, *Greeting.* [101]

'BEcauſe that we now are, and ever ſhall be, in the 'Faith and Power of the Thrice-noble Prince, 'and our dear Lord, Sir *Edward*, by the Grace of God, 'King of *England*, *&c.*'—The reſt in near the ſame Terms as the former.

This Charter of Submiſſion is alſo given us in *Hemingford*, omitted in *Rymer*; but the only Particularity in it is the Date, [*March* 25] ſome Months before the others, and even before *Baliol*'s Submiſſion, which bears Date on the ſecond of *July* following. There are two Acts in *Rymer* [p. 714] which ſeem to confirm this, they are dated at *Roxburgh*, *May* 14; one to *Robert Bruce* the Elder, *ad recipiendum Homines de Marchiis ad Pacem*; and the other to *Robert Bruce* the Younger, *ad recipiendum ad Pacem Homines de Comitatu de* Carrick. And *John Fordun*, the *Scots* Chroniclar, tells us, That *Edward* had made ſome Promiſes to *Bruce*, before his Expedition againſt *Scotland*.

Edward having received all their Submiſſions to him in the Manner above, conſtituted a new Treaſurer for *Scotland*, and ordered a new Great Seal; he alſo named a new Chancellor and Judges, and ordained that all thoſe who held any of the Royal Demeſnes ſhould be called upon to do Homage for the ſame; and all other Tenants whatſoever ſhould ſwear Allegiance to him, and own themſelves his Subjects; and this to be done by every Man's written Deed, in perpetual Memory of this Conqueſt. He made alſo the Earl of *Warren Cuſtos Regni Scotiæ*. Laſtly, the King alſo willed and ordained, in this preſent Parliament, that *John*, late King of *Scotland*, both the *John Comynes*, with the reſt of the *Scots* Nobility, ſhould go with him back into *England*, and remain in thoſe Parts of it which are beyond the *Trent*; and ſhould not return from thence, on Pain of loſing

The King of *England* appoints a new Miniſtry for *Scotland*.

King *Edward* I. their Heads, untill the War betwixt him and the King of *France* was entirely finiſhed [u].

The Conqueſt of *Scotland* being thus made, and that Kingdom ſettled to his Mind, *Edward* called before him all the Chief Officers, *&c.* of the *Welſh*, *Iriſh*, and *Engliſh* Armies, who had aſſiſted him in this great Expedition: He returned them his Thanks in a public Manner; and added, that the Crown of *England* was much beholden, and eternally obliged, to them for their Services: He afterwards diſmiſſed them to go to their own Homes. The King alſo ordained, that all the Lands which *John Baliol* and other Lords held on the South of *Trent*, ſhould be ſeized into his Hands untill the *French* War was ended. Afterwards *Edward* put an End to this Parliament, and [102] iſſued out Writs immediately for the calling another [w], which was to meet at *St. Edmundſbury* in *November* following. Laſtly, the King took his Journey into the South, and the *Scots* Lords along with him.

Anno Regni 24. 1296. At *St. Edmundſbury.*

On the third of *November*, in the ſame Year, King *Edward* met his Parliament again at *St. Edmundſbury*. Theſe Writs are ſtill in Being, and are printed both by *Prynne* and *Dugdale*; the former giving us thoſe for calling the Knights, Citizens, and Burgeſſes to this Parliament; the latter, only to the Lords and Clergy; but then theſe expreſs ſome Reaſon for what they were ſummoned; which was in order to raiſe Subſidies for carrying on the War againſt *France*, which this victorious King had determined to proſecute with the utmoſt Vigour. The Laymen contributed chearfully to this Expedition, and taxed themſelves, the Citizens and Burgeſſes, an Eighth Penny, the reſt of the Laity, a Twelfth.

The Clergy refuſe to grant any Subſidy without Leave from the Pope.

The Clergy, however, openly refuſed to give any Thing, and returned the King this Anſwer to his Demand, 'That they could neither give nor grant, neither could 'the King receive any Subſidy from them, without both 'incurring a Sentence of Excommunication, which was 'included in the Pope's Bull to that Purpoſe [x].' The King was much diſpleaſed at this Anſwer, but nevertheleſs gave them Time to think upon it; and required them to meet him again the Day after St. *Hilary*, [*January*

[u] *Adhuc* H. Knyghton, col. 2483.
[w] Dated at *Berwick* upon *Tweed*, *Aug.* 26, *An. Reg.* 24.
[x] The Bull is alſo printed in *Rymer*, and in the *Councils*.

nuary 14] at *London*; to which Time and Place this Parliament was adjourned. King *Edward* I.

It is proper here to take ſome more Notice of the Pope's Bull above-mentioned, becauſe of its extraordinary Nature. It was called *Clericis Laicos* by the *French* Hiſtorians, from the firſt Words of it; and was dated at *Rome*, *ſexto Kaiend.* Mart. *Pontificatus noſtri An.* 2°. [1296]. This Bull affected more than the *Engliſh* Clergy; the *French* thought it was obtained by Complaints from theirs, whom it ſuited as well as the *Engliſh*, and where it ſeemed to have made more Noiſe. We have a great deal about it in the Collection of the *Acta inter* Bonifacium *Pont. et* Philippum *Regem*; which was printed at *Paris*, 1655, an Extract of which is alſo in Archbiſhop *Wake*'s *Appendix*. But this arrogant Power the Pope then aſſumed, of exempting all the Clergy in Chriſtendom from paying any ſubſidial Taxes for the Support of the Government they lived under, was but of ſhort Duration; for this very Pope, ſoon after, by another Bull, explained away almoſt the whole Force of this, and his Succeſſor, *Clement* V. in 1306, actually repealed it.—But the Reader will ſoon ſee what Diſturbance this Bull made amongſt the Clergy in this Kingdom. For,

The Day of the next Seſſion being come, and the Parliament, with the Clergy, met, *Robert de Winchelſea*, Archbiſhop of *Canterbury*, made the following Speech to his Brethren:

My Lords,

'IT is very well known to you and all the World, that, under the Almighty God, we have both a Spiritual Lord and a Temporal one. The Spiritual Lord is our holy Father the Pope, and the Temporal, our Lord the King. And though we owe them both Obedience, yet we are under more Subjection to the Spiritual. But, to do all that is in our Power to pleaſe both, we are willing to ſend ſpecial Meſſengers to our holy Father the Pope, at our own Expence, to deſire that he would grant us Leave to oblige the King in this Matter; or, at leaſt, we ſhall have an Anſwer from him what we ought to do. We do believe, that our Sovereign Lord the King is as fearful of incurring

The Archbiſhop of *Canterbury*'s Speech on that Occaſion.

[103]

King *Edward* I. 'this Sentence of Excommunication as we ourſelves can 'be; ſo, my dear Lords, we deſire that you would 'ſend ſome ſelect Perſons out of your Body, to inform 'the King of this Matter; for we, who know how 'much the King is incenſed, are quite afraid to deliver 'ſuch a Meſſage to him [y].'

However, the Clergy thought fit to ſend two of their own Body, the Biſhops of *Hereford* and *Norwich*, to the King; and there is a Copy of their Credentials in the *Councils*, under the Archbiſhop's Seal, at the Requeſt of the whole Body of the Clergy, dated 13 *Kal.* Feb. [*Jan.* 20] and immediately after we have the Denunciation of the Sentence of Excommunication by the Archbiſhop againſt the Infringers of the Eccleſiaſtical Immunities, dated 14 *Kal.* Mar.

The King puts the Clergy out of his Protection, and ſeizes their Lands.

But we find that the King was not ſo much afraid of the Pope's Bull as the Archbiſhop pretended; for he had no ſooner heard the Clergy's Anſwer to his Demand, but he thundered out an Excommunication, indeed, againſt them all. He immediately put the Archbiſhop, and the whole Body of the *Engliſh* Clergy, out of his Protection and Defence; and ordered that all their Lands and Poſſeſſions, throughout the whole Realm, ſhould be ſeized to his Uſe [z]. This Edict had the Conſent of the Earls, Barons, and others who conſtituted this Parliament, which continued to ſit whilſt all the Biſhops were excluded. The Chief Juſtice of the King's Bench, *John de Metingham*, ſitting in his Tribunal, ſays *Knyghton*, pronounced Sentence againſt the Clergy in theſe Words:

'You that are the Proctors, or Attornies, for the 'Archbiſhops, Biſhops, Abbots, and Priors, with the 'reſt of the Clergy, take Notice to acquaint all your 'Maſters, that, for the future, no Manner of Juſtice
[104] 'ſhall be done them in any of the King's Courts, on 'any Cauſe whatſoever; but Juſtice ſhall be had againſt 'them to every one that will complain and require it 'of us!'

O mirabile & inauditum, Auribus horribile! cries the Canon of *Leiceſter*; and others of the Monkiſh Writers of

[y] *Hemingford, Knyghton*, &c. The laſt Words of this Speech are,—*Nos enim, ſcientes Indignationem ejus accenſam, veremur omnino talia nunciare.*

[z] *Fecit Rex ſigillari omnia Eccleſiaſticorum Oſtia Horreorum.* Mat. Weſt.

of thoſe Times exclaim as loud againſt this Proceeding [b]. The Miſeries that the Clergy ſuffered, along with their Archbiſhop, on Account of the aforeſaid Sentence againſt them, were very great; inſomuch that a poor Vicar or Parſon, when they had Occaſion to go abroad, were glad to cloath themſelves like Laymen, to paſs through the Country with Safety; for if they were robbed or ſpoiled on the King's Highway, they could have no Reſtitution or Redreſs. Indeed, the whole Body of them were ſtruck into a dreadful Panic by this Blow; but moſt of them compounded the Matter with the King for a Fine, and received the King's Letters of Protection; which muſt have raiſed a vaſt Sum of Money in thoſe Days [c]. King *Edward* I.

But, before King *Edward* tranſported himſelf and his Army into *Flanders*, to proſecute the War againſt *France*, he ſummoned all Men that owed him Service, and all others that were poſſeſſed of Twenty Pounds a-year Lands, let them hold from whom they would, to meet him at *London*. They were to come ready prepared with Horſe and Arms to go over with the King, and this without any Excuſe or Delay. The Summons was obeyed, and a very great Number of armed Men appeared on this Occaſion [d]. It has been ſaid, that ſome of their Leaders or Nobles then preſent thought proper to repreſent to the King, that it was not adviſeable for him to go abroad without being firſt reconciled to the Archbiſhop: That he took their Advice, and was ſo far reconciled to the Prelate, that he made him Guardian to his Son the Prince, and, jointly with Sir *Reginald Grey*, left him Regent over *England*. But this is abſolutely falſe; for *Edward* miſtruſted him too [105]

b *Knyghton* goes on, and ſays, *Communis Juſtitia quæ omnibus patere deberet, tam Incolis quam Alienigenis, quo Spiritu neſcio, Clero Chriſti denegatur; ancilaturque & ſervit ac ſubpeditatur ipſa* Mater Eccleſia, *quæ ſolebat antiquitus Filiis dominari: Pedes ſuper Caput elevantur, & quæ ſolebat cunctis ſplendeſcere, fomento Miſerationis, jam a Miſericordia Dei aſtatur & obſujcatur Umbraculo Crudelitatis.* Knyghton *inter* Decem Scriptores, col. 2492.

c *William Thorn*, a Monk of S. *Auguſtin*'s in *Canterbury*, ſays, That their Monaſtery compounded for 200 *l.* and 200 Quarters of Corn of diſſerent Kinds of Grain. *Decem Scriptores*, col. 1965.

The Archbiſhop ſtood out againſt the King in this Matter; left his Palace, and retired with two Servants only to *Chartham*. *Idem.*

d *Trivet* and *Hemingford*, both Contemporary Hiſtorians, call this Meeting a Parliament. They were called to *London*, *Auguſt* 1, 1297.

King *Edward* I. much to grant him any such Power, as will better appear in the Sequel, and left the Regency in other Hands [e]. Nevertheless, he restored him all his Lay-Fees, Goods, *&c.* at the earnest Request of the Prelates of his Province [f].

The *Scots* revolt again.

Edward did not prosper so well in this *French* War as he had done in the last. The *Scots* took the Advantage of his Absence to revolt; and, under the Conduct of *William Wallace*, committed great Ravages in *England*. Things were not quite well at home neither; *Edward*, before his Departure, had greatly disobliged some of his Lords; of which *Humphry de Bohun*, Earl of *Hereford*, High Constable of *England*, and *Roger Bygot*, Earl Mareschal, were the Chief. These Great Men raised an Insurrection in the King's Absence; by which Means, and by the Revolt of the *Scots*, the Peace of the Kingdom was much endangered.

Anno Regni 25. 1297.

At *Salisbury*.

[106]

The Occasion of this Quarrel is said by some Writers to happen at a Parliament called to meet at *Salisbury*, *in Festo S.* Matthiæ, before the King went abroad; at which Meeting the Clergy were totally excluded [g]. The King insisted that most of the Nobility there present should attend him to the *French* War, but many excused themselves; whereat *Edward* being greatly moved, he plainly told them that they should go, or he would give their Lands to those that would. The Nobles were very much offended at this Bluntness in the King; and some of the chiefest, *viz.* the Earls of *Hereford* and Mareschal, told the King that they were ready to attend him if he went in Person, otherwise they would not go. The Mareschal added, that if the King went he should willingly attend him in his Wars, and take his hereditary Post in the Vanguard of the Army. *But*, says the King, *you shall go, whether I do or not.*

I

[e] See *Rymer*'s *Fœd.* p. 791, *de* Edwardo *Filio Regis Locum tenente in* Anglia.

[f] The Act of Restitution to the Archbishop is printed in *Prynne*'s *Parl. Reg.* Vol. III. p. 721, from claus. 25 *Edw.* I. m. 12, dated *July* 11, at *Westminster*; previous to which are Compositions of, and Protections granted to, a great Number of the Clergy.

[g] *Et habito Rex Parliamento cum suis Baronibus,* Clero excluso. *Chron. Gul. Thorn.* inter *Decem Scriptores,* col. 1965.

Dugdale gives us the Summons to this Parliament, to meet *apud* Sarum *Die Dominica in Festo S.* Matthiæ, Feb. 24, 1297. *Ad Rege apud* Welyns, Jan. 26.

I am not so bound, quoth the Earl, *neither do I purpose to go without you.* The King, then in a great Rage, said, *By God, Sir Earl, you shall either go or hang. And, Sir King, by the same Oath*, replied the Earl, boldly, *I will neither go nor hang.* And so they both left the King abruptly, without taking any Leave, and the Parliament broke up without doing any further Business. *Edward*, after this, resolved to go over in Person, but the Lords then would not go along with him; so haughty and stubborn were the Nobility in those Days. Yet, notwithstanding the ill Correspondence between the King and these Great Men at this Assembly, it seems they agreed well enough how to proceed with the Clergy; for an anonymous Chronicle in the *Bodleian* Library [h] relates, 'That the King, and his Barons and Knights there assembled, passed an Ordinance, That if the Clergy did not make their Peace with the King, within a certain Time then limited, they should lose all that was already seized by the King, and it should not be lawful for any one, from thenceforth, to have any common Dealing with them. This severe Ordinance brought many of them to their Compositions immediately.

King *Edward* I.

Difference between the King and his Barons.

But the Affair between the King and his haughty Barons deserves a little farther Disquisition. Several antient Historians, such as *Trivet*, *Hemingford*, *&c.* who were Contemporaries, relate the Story, which happened in the Parliament at *Salisbury*, as above. This Dispute, with the Revolt in *Scotland* at that Time, perplexed the King very much, and hindered his intended Expedition; and there are in the *Fœdera* several Letters to his Allies and Friends abroad, sent to excuse and inform them with the Reasons of his Delay; so that it was not till *August* this Year that *Edward* embarked for *France*; leaving his Son, with some other Lords, Regents in his Room. But before the King left *England* he took Care to inform all his Subjects of the Behaviour of the Barons to him, by circular Letters sent to all the Sheriffs, which related all that had pass'd between them; a Copy of which, in *French*, is in *Rymer* and some other Historians.

Nor were the two Earls backward in shewing their Resentment against the King, but published certain Articles

[h] See Archbishop *Wake*'s *Appendix*.

King *Edward* I. ticles of Grievances in the State, which they expected should be redreſſed by the King before they would join with him. Nay, they went further; for, on the King's Departure, the two Earls, Mareſchal and *Hereford*, went to the Treaſurer and Barons of the Exchequer, forbidding them, in the Name of the whole Community of the Realm, as well Clergy as Laity, to levy the Eighth Penny, given in the Parliament at *St. Edmundſbury*, and denying that it ever was legally granted [i]. Laſtly, they applied to the Citizens of *London* to ſtand by them [k].

To remedy theſe Evils, and to cloſe up the Differences with the diſcontented Lords in Time, the Regents thought proper to call a Parliament in Prince *Edward*'s Name, and to ſummon them to meet at *London* on the 10th of *October*, in the ſame Year, 1297 [l]. The Lords paid a willing Obedience to this new Summons from their future King, and came at the Time and Place appointed: But their Appearance was ſmall, there being only the Archbiſhop and ſix Biſhops, 23 Abbots and Priors, the Earls of *Hereford*, *Norfolk*, and Mareſchal, with eight other Barons, which is eaſily accounted for, as many of the reſt attended the King abroad.

Anno Regni 25. 1297.

At *London*.

[107]

However, the diſcontented Lords did not come without a ſtrong Guard to ſecure their Perſons, having 500 Horſemen well armed, and a large Body of choice Foot to attend them; nor would they enter the City until they were allowed to place a ſufficient Number of their own Men at each Gate of it for their better Security. This being granted, the Lords came quietly to their Seats in Parliament; where, after many and various Conſultations and Debates [m], the Archbiſhop of *Canterbury* being Mediator in theſe Differences, the Lords would agree to no Reconciliation, unleſs the King would conſent to confirm *Magna Charta* and the Charter of Foreſts, with ſome *additional Articles*; and that he would neither deſire nor exact any Aid or vexatious Tax,

Additional Articles to *Magna Charta*, &c. propoſed;

[i] This Record is in *Madox*'s *Hiſtory of the Exchequer*, p. 614.

[k] *Triwet*, *Hemingford*.

[l] *Dugdale* has given us the Summons to the Lords, and *Prynne* to the Commons, Vol. III. p. 736.

[m] *Ubi tandem poſt Conſilia multa et Tractatus varios, &c.* Knyghton, col. 2923.

Tax, either from the Clergy or the People, for the future, without the Advice and Consent of his Great Men. Further, that all Rancour and Malice might from henceforth be removed from the Minds of them and all others their Associates, the following Writing was agreed to, and ordered to be drawn up in these Words for the King to confirm: King *Edward* I.

No Manner of Tax or Aid shall either be imposed or gathered by us or our Heirs, for the future, on our Kingdom, without the common Consent and Free-Will of the Archbishops, Bishops, and other Prelates, the Earls, Barons, Knights, Burgesses, and other free Men of this Realm. We will not take to ourself any Corn, Wool, Hides, or any other Kind of Goods whatsoever, without the Consent of the Person to whom such Goods belong. We will not take, for the future, in any Name, or on any Occasion whatsoever, Evill Tolle [n] *of any Pack of Wool. We will and grant, for us and our Heirs, that all the Clergy and Laity of the Kingdom shall have all their Laws, Liberties, and Customs, as freely and fully as ever they enjoyed them at any Time. And if any Thing be enacted or ordained against any Article in this present Writing by us or our Ancestors, or any new Customs introduced, we will and grant that such Customs or Statutes be for ever null and void. We do remit also, to* Humphry de Bohun, [108] *Earl of* Hereford *and* Essex, *Constable of* England; Roger Bygot, *Earl of* Norfolk, *and Mareschal of* England; *and others the Earls, Barons, Knights, 'Squires, and to* John de Ferrers, *and to all others his Colleagues and Confederates, and also to all those that hold Twenty Pounds Lands either of us in Chief, or of others in our Kingdom who were summoned to go into* Flanders *and did not appear, all Manner of Rancour and Ill-Will which, for the aforesaid Causes, we might have taken against them, and also all Kinds of Transgressions which to us or ours may have been done, to the making of this present Writing. And, for the greater Security of this Matter, we will and grant, for us and our Heirs, that all Archbishops,*

[n] *Male Tolta, vel potius, Tolta,* Gallicé *Male-toute,* Evil Toll. See *Somner*'s *Glossarium ad* Decem Scriptores.——See also the last Edition of *Dufresne*'s *Glossary.*

The Tax was 40*s.* for every Sack of Wool, taken without Consent of Parliament. See *Statutes at large,* and *Coke*'s 2d *Inst.* p. 526, for this memorable Statute.

King *Edward* I. *biſhops and Biſhops of* England *ſhall for ever, in their Cathedral Churches, have this preſent Writing read, and ſhall publickly excommunicate as well there, as cauſe it to be done in the ſeveral Pariſh Churches throughout their Dioceſes, twice in a Year, all thoſe who ſhall ſeek to weaken the Force of theſe Preſents in any Article, or in any Manner whatſoever.*

In Teſtimony of which we have put our Seal to this preſent Writing, together with the Seals of the Archbiſhops, Biſhops, Earls, Barons, and others, who, of their own Accord, ſwore to obſerve ſtrictly the Tenor of theſe Preſents, in all and every Article, to the beſt of their Powers. And for the due Obſervance of which they promiſed all their Aid and Advice for ever [a].

We think it entirely conſiſtent with the Subject of our Hiſtory, that every Word of the preceding Charter, as near as it can be tranſlated, ſhould find a Place in this Work. It is a Step into the Prerogative much bolder and wider than what was made by the gaining of the Great Charter or that of the Foreſts; and may be truly ſaid to be the Foundation of our preſent Parliamentary Grants to the Crown. The young Prince did not heſitate at all to confirm the Decree, as far as it was in his Power; and gave the offending Lords his Letters Patent to them and all their Followers, that no Manner of Harm ſhould come to them; and promiſed alſo in the ſaid Letters, that he would do his utmoſt to induce his Father to con- [109] ſent to all their Demands: Likewiſe all the King's Council, that were preſent at this Parliament, promiſed under their Hands to act accordingly.

This Concord of Peace and Unity, ſays our Author [b], gave an univerſal Joy to all the Kingdom. The Prelates, Earls, and Barons, adds he, that were Commiſſioners for the King in this Matter, were *Robert de Winchelſea*, Archbiſhop of *Canterbury*; *Henry Murdac*, elect Archbiſhop of *York*; the Biſhops of *London*, *Ely*, *Bath*, and *Coventry*; the Earls of *Cornwall*, *Warren*, *Warwick*, and *Oxford*; the Barons were *John Gyffard*, *Henry de Percy*, and *Reginald de Grey*; with many other Clerks and Laymen.

All

[a] From the moſt correct Copy preſerved by *Walter Hemingford*.

[b] *H. Knygbton*, col. 2924.

All these Lords, *&c.* swore upon the blessed Evange- King *Edward* I.
lists, for the greater Security that the aforesaid revolted Earls and their Followers should be entirely indemnified by them against the King: To which those Lords answered, in like Manner, that if the King would ratify and confirm all the aforesaid Articles, they would be entirely at his Command, either to go over into *Flanders*, or march against the King's Enemies in *Scotland*.

Messengers were immediately dispatched to the King Which are confirmed by the King.
in *Flanders*, with Letters to him from his own Secretaries, intimating that, if he regarded his own Honour and Safety, or hoped to preserve his Kingdom, he should send back the Writings confirmed and sealed. The King being driven to a Strait, took three Days Time to consider of this Message; and then, that he might gain the Hearts of the Revolters once more to him, wisely consented to all, and confirmed them accordingly [q]. For this extraordinary Concession of the King, the Parliament granted him a Ninth Penny on the Laity; and the Archbishop of *Canterbury*, with his Clergy, notwithstanding the Pope's Bull, gave a Tenth; the Archbishop of *York*, with his Clergy, who were more in the Neighbourhood of Danger, a Fifth Penny, as a Subsidy to carry on the War against *Scotland*. The Wool which the King had already taken from the Religious Houses, and others of the People, he promised should be accounted for in the Collection of this Fifth.

Edward, after this, sent his Letters particularly to require the aforesaid revolted Lords, as well as all the rest of the Great Men who were then in *England*, that, as they regarded him, or the Honour of the *English* Nation, they should march directly into *Scotland*, under the Command of the Earl of *Warren*, whom he had Anno Regni 26. 1298.
constituted his Vicegerent for that Expedition. He also appointed a Day for them to meet at *York* [r], and, in the mean Time, to get themselves in Readiness to proceed from thence and chastise the *Scots* Rebels. This Meeting *Hemingford* and *Knyghton* call a Parliament, and At *York*.
there-

[110]

[q] They were signed by the King, at *Ghent* in *Flanders*, *apud* Gandavum, 5 *Id.* Nov.

[r] *Octavis S.* Hilarii, Jan, 21. *Knyghton. Chron. Hem.*

[s] *Trivet* says, *Conveniente in Octavis S.* Hilaris, *publicata Confirmatione Chartarum, Articulorumq; adjectorum versus* Scotiam *processerunt.* Mat. Westminster.

King *Edward* I. therefore we do the ſame, though none of the Commons were called to it, and ſeems to be chiefly deſigned to try whether the *Scots* Lords would come, as *Edward* by his Letters had ſummoned them to do, without any Excuſe, otherwiſe they ſhould be taken for public Enemies. At the Day prefixed the *Engliſh* Lords appeared at *York*: There were, particularly, the Earl of *Warren*, the King's General; the Earl of *Glouceſter*; the Earl Mareſchal; the Earls of *Hereford* and *Arundel*; *Guy*, Son to the Earl of *Warwick*; *John de Segrave*; and many other Lords. The firſt Thing they went upon was the Conſideration of themſelves; and accordingly they had *Magna Charta*, the Foreſt Charter, with all the *additional Articles*, read publickly in the Cathedral Church of *York*; and the Biſhop of *Carliſle*, in *Pontificalibus*, pronounced the Sentence of Excommunication on all thoſe that offended againſt them. And as the *Scots* Lords did not think fit to appear according to Summons, nor ſend any one to anſwer for them, it was agreed that, in eight Days following, every one ſhould appear in Arms at *Newcaſtle* upon *Tyne*, and ſo to march againſt the Enemy.

In the mean Time *Edward*, having concluded a Truce for two Years with *France*, turned all his Thoughts on *Scotland*, and ſent Word to the Earl of *Warren*, his General, not to proceed with the Army any farther than *Berwick* till his Return. He arrived there in Perſon ſome ſhort Time after; and the firſt Thing that the King did after his coming back to *England*, was to call a great Council together at *London*, on *Palm-Sunday*, [*March* 30] where it was reſolved to remove the Courts of King's Bench and Exchequer to *York*[s], and to ſummon a Parliament to meet in that City on the Feaſt of *Pentecoſt* following. The Writs for ſummoning the Knights, Citizens, and Burgeſſes to this Parliament are ſtill extant[t]; and here the King, by Word of Mouth, confirm'd to them the Charters abovementioned; and, as the *Annals* of *Worceſter* obſerve, 'not out of Fear, but of his own free Will, and without 'any

[111]

Anno Regni 26. 1298.

At *London*.

[s] The Ordinance for removing the Courts of Juſtice to *York*, is ſaid, by *Ryley*, to be made in a Parliament at *London*, in *Eaſter*, this Year; *et quod* Scaccarius *et* Bancus *ſint infra Coſtellum* Ebor, &c. *Ryley*, p. 225.

[t] The Writs are dated at *Fulham*, *April* 13, *Anno Regni* 26.

'any Grant of Money for it[u].' The *Scots* Lords were again summoned to appear at this Parliament; which they not regarding, he sent out his Commission of Array, ordering all his Subjects to be ready, with Horse and Harness, at *Roxburgh*, on the Feast of St. *John Baptist* following; which was done accordingly. After this happened the fatal Battle, to the *Scots*, of *Falkirk*; in which the *English* gained a complete Victory over their Army, and retook all the Towns and Fortresses which had been lost in the King's Absence. King *Edward* I.

The *Scots* are again routed.

Edward, after his Return out of *Scotland*, continued in the North of *England* till after *Christmas*; when, leaving all Things quiet, he returned to *London*; and, soon after he got there, called a Parliament to meet on the first *Sunday* in *Lent*, [*March* 8] the Writs for it bearing Date (by *Dugdale*, from claus. 27 *Edw.* I. m. 8. in dorso) *apud Pontem de* Tulye, Feb. 6, 1299. Anno Regni 27. 1299.

At *London*.

The first Thing that was done at this Meeting, was to read before them the Pope's Instrument of Award between the Kings of *France* and *England*, who had agreed to make him, as a private Person only, under the Name of *Benedict Cajetan*, the amicable Composer and Arbiter of all Wars, Controversies, Differences, and Causes whatever moved between them. This Character was worthy of the Christian Pontiff; and accordingly he did award and pronounce,

The Pope appointed Arbitrator between the Kings of *England* and *France*.

I. 'THAT there should be a firm and stable Peace 'between the two Kings.

II. 'That the voluntary forbearing of Hostility, and 'the Truce lately made and confirmed between the two 'Kings, &c. should be inviolably observed.

III. 'That the King of *England* should marry *Mar-'garet*, the King of *France*'s Sister, and endow her with '15,000 *l. Turnois (i. e.* 3750 *l. Sterling) per Ann.*

IV. 'That *Isabel*, the Daughter of the King of '*France*, not then seven Years old, should, at conve- [112] 'nient Time, be married to *Edward* the King of *Eng-'land*'s Son, then thirteen Years of Age, with the Dower 'of 18,000 *l. Turnois*, *per Ann.*

V. 'That

[u] —— *in Ebdomade* Pentecostes, *apud* Eboracum, *omnia quæ prius Baronibus et Communitati Terræ Rex concessit; non Timore territus, sed mera Voluntate et sine Precio, confirmavit.* Annal. Wygorn.

King *Edward* I. V. 'That all Goods on either Side, Ships especially, 'taken before the War, and then not embezzled or de- 'ſtroyed, ſhould be reſtored; and if deſtroyed and not 'to be found, then either King to make Satisfaction at 'the Requeſt of each other.

VI. 'That all the Lands, Vaſſals, and Goods which 'the King of *England* had in *France* before the War, 'which he may have reſtored to him by virtue of this 'Compromiſe, he ſhould have and enjoy under ſuch 'Conditions and Security as ſhall be awarded.

VII. 'That all the Lands, Vaſſals, and Goods which 'the King of *France* was then poſſeſſed of, that were the 'King of *England*'s before the War, and thoſe the King 'of *England* was then poſſeſſed of, ſhould be put into 'the Hands and Poſſeſſion of the Pope, and ſo to remain 'untill the Kings themſelves agreed about them, or he 'ſhould order what was therein to be done, without 'Prejudice to the Lands, Vaſſals, and Goods; or the 'Kings, as to the Poſſeſſion, Detention, or Property of 'them.'

This Pronunciation, or Award, was dated at the Pope's Palace at *Rome*, on the 20th of *June*, 1298, 26th of *Edward* I.

To which Award, when it was read in Parliament, all the Clergy and Laity gave their Conſent [w].

And now the Lords and Commons [x] preſſed the King to ratify, in Perſon, the Great Charters, with the *additional Articles*, which he had only done by Commiſſion before. *Edward* was very ſhy in this Matter; loth he was to grant their full Requeſts, and as unwilling to deny them. To gain Time he made no preſent Anſwer; and when he was yet more urged to perform his Promiſe, he left the City without their Knowledge; which, they finding out, followed him, and ſeemed much diſcontented at his Conduct. *Edward* excuſed himſelf to them, by complaining that the Air of the City was prejudicial to his Health, and came but into the Country for a Time to recover it; he deſired that
[113] they would go back to the City, and they ſhould have an Anſwer by his Council, ſo far as it ſhould ſtand with Reaſon to content them. They returned to the City, and

w *Plebs omnis et Clerus.* M. Weſtminſter.
x *Proceres et Communes.* Knyghton, col. 2528.

and ſoon after the Charters were ſent them, confirmed according to their Requeſts, except that at the latter End of them were added theſe Words, *Salvo ſemper Statu Coronæ*, ſaving always the Rights of the Crown. But this Addition ſo offended the Lords, that they broke up and returned home in as great a Diſpleaſure againſt the King as before. King *Edward* I.

The Council doubting ſome ſeditious Practices might enſue, delivered the Charters, ſealed and ſigned as they were, to the Sheriffs of *London*, that the ſame might be read openly before the People [r]. This was accordingly done at St. *Paul*'s Croſs, in the Preſence of a great Aſſembly there met for that Purpoſe. The People, before they heard the additional Words, gave many Bleſſings to the King for theſe Grants; but they no ſooner heard the Concluſion, than they curſed, ſays our Authority, as faſt as they had bleſſed. However, the King finding no other Way, before this Parliament was diſſolved, gave Notice to the Lords to meet again after *Eaſter*, and then he would grant them all they deſired.

But this Meeting, after *Eaſter*, was not of the Lords only, but another Parliament called by the King's Writs, as the former, dated at *Weſtminſter*, *April* 10, to meet *in quindena* Paſchæ, May 3, following [a]. It was in this Parliament that the King actually confirmed the Great Charters, and alſo a new one for their better Explanation, called, in our Law-Books, *Articuli ſuper Chartas*, or Articles upon the Charters [b]. Anno Regni 28. 1300.

Two eminent Writers of *Engliſh* Hiſtory, of the laſt Age, Dr. *Brady* and Mr. *Tyrrel*, the former a warm Advocate for the Prerogative of the Crown, the other as zealous a Champion for the Liberties of the People, have taken great Pains to ſearch into our Records, Hiſtories, *&c.* for the Support of their different Opinions. Between them both then we may come at Truth; and therefore we ſhall make no Scruple to quote them when any Thing ſo apparent intervenes. And here, on the King's confirming the Charters this Time, Mr. *Tyrrel* makes the following Remark; tho' if he had named his Author,

r *Hollingſhead*'s *Chron.* from the *Chron.* of *Abington*.
a *Dugdale*, from clauſ. 27 *Edw.* I. m. 16. dorſo.
b *Statutes at large*, An. 1300. *Coke*'s 2d *Inſtitut.* 537.

King *Edward* I. [114]

Magna Charta, &c. farther ratified in Parliament.

Author, or told us where the Manuſcript lay, the Story would have been much more credible. He ſays, 'That though our printed Hiſtorians do not mention it, yet a Manuſcript Author of that Time relates, concerning this Tranſaction, That the King was at firſt loth to grant this Requeſt of the Archbiſhop and Barons; and therefore, to avoid it, tried to work upon each of the Lords apart, ſome by fair Words and Promiſes, and others by Preſents, to put off this Buſineſs till the next Parliament after *Michaelmas*; and therefore now deſired no more Aid of them than a twentieth Part of their Goods; and through theſe ſubtle Methods he prevailed with the greater Part of them: Yet, notwithſtanding this, the Biſhops, and many of the moſt conſiderable Noblemen, ſtill perſiſted in their firſt Demand of having the Charters confirmed, and that the Biſhops and Earls ſhould alſo put their Seals to them; at which Propoſals the King, much offended, aſked them, *If they took him for a Deceiver?* Whereupon the Lords deſiſted for a few Days from their Petition; yet at laſt the King, being prevailed on by the Perſuaſions of ſome that were near about him, went into *Weſtminſter-Hall*, and there confirmed the Great Charter, with the Articles upon it, which he cauſed to be read before all there preſent, and then ordered his Great Seal to be put to it; and, ſpeaking in *Engliſh*, commanded the Archbiſhop, *If he knew the ſaid Articles to be deficient in any Point, that he ſhould declare it, and they ſhould be preſently amended:* Then he permitted the Archbiſhop and Biſhops to denounce all thoſe excommunicated that ſhould preſume to break or infringe the ſaid Charters, or any Thing therein contained. This prudent Act was very ſeaſonable, and quieted the angry Minds of the Nobility, eſpecially the Earl of *Warwick*, and the Lord *Walter Beauchamp*, Steward of the King's Houſhold, who were like to have gone into their Countries to have raiſed Forces to compel the King, had he not voluntarily agreed to do it.'

[115]

There are two Laws extant in our Statute-Books, that were made this Year; and one that is called the Statute *de falſa Moneta*, dated at *Stebenheath*, now *Stepney*. Which laſt was certainly no more than a Royal Proclamation againſt the Coiners and Venders of falſe Money at that Time, when it was very current in the

the Kingdom [c]. And it is as certain that ſeveral more Acts of State are put down, and printed as ſuch in our Statute-Books, which were no more than Royal Edicts not authorized by Parliament. King *Edward* I.

About this Time the *Scots*, ever ready to watch all Opportunities, whilſt *Edward* was buſy in the South, again revolted, bred a great Diſturbance in that Kingdom, and brought the *Engliſh* Garriſons, left there, to much Diſtreſs. The King found himſelf obliged, tho' in the Depth of Winter, to march againſt them; and therefore ſummoned another Parliament to meet him at *York*. Our old Hiſtorians call this Meeting a Parliament; and ſay that it was called to meet in that City at *Martinmas*, tho' no Writs of Summons for it are now extant, nor can we find any Account of what was tranſacted in it. The King went from hence to *Berwick*, where, the Winter proving very ſevere, he was obliged to ſtay till the Spring Seaſon before he could effect any Thing; but very early in that Seaſon *Edward* made another Inroad into *Scotland*, ſoon ſubdued thoſe reſolute Spirits, and obliged them to ſue to him again, in a moſt ſubmiſſive Manner, for Peace.

But before the King entered *Scotland* this Time, he iſſued out Writs for calling a new Parliament to meet at *Lincoln* [d], which were dated at *Berwick*, *December* 29, to meet the ſecond *Sunday* in *Lent* [*March* 13] following; and moſt of theſe Writs and Returns are now extant. The Summons to this Parliament are more numerous and more extraordinary than any we have yet met with; for the King not only ſummoned the Peers, Knights, Citizens, and Burgeſſes, (in which he directs the Members of the laſt Parliament, if living and capable of that Service, to be returned) the Archbiſhops, and Biſhops, with many of the Clergy, and the Judges; but likewiſe directed Writs to the Chancellors of both the Univerſities, to ſend from *Oxford* four or five, and from *Cambridge* two or three, *de diſcretioribus et in Jure ſcripto magis expertis prædictæ Univerſitatis*. We have theſe Writs in *Prynne*'s *Parliamentary Regiſter*, Part the

[c] *Anno Gratiæ* M.CCC. *in Vigilia* Paſchæ, 5 *Id.* Ap. *Moneta quæ dicitur* Pollards & Crokards, *& aliæ ſaljæ Monetæ per* Angliam *prohibentur*. Mat. Weſtm.

[d] *Mat. Weſtminſter.*——*Knyghton* ſays *Stamford*. The Statute *de Eſcheatoribus* was made at this Time. *Statutes at large, Anno* 1301.

King *Edward* I. First, p. 345, and in the third Volume of his *Collections*, p. 884. There are likewiſe the Returns from the two Univerſities, four from *Oxford*, not particularly named, and two from *Cambridge*, *Simon de Weldene*, a Monk, and *Hugo Samſon*, *Juriſperiti*. They were all to meet at *Lincoln* on the Octaves of S. *Hilary*, or *January* 21 following: But the Writs for calling this Parliament, with the King's Reaſons for it included, are ſo extraordinary, that we chuſe to give a Tranſlation of the Subſtance of them as follows [e]:

After a Recital, 'That the King had granted the 'Charter of the Foreſt, and had aſſigned Commiſſioners 'in every County where there were Foreſts, to make 'Perambulations, and to report them to himſelf before 'any Execution was done thereon, that his own Oath, 'the Rights of the Crown, his Reaſons and Claims, as 'well thoſe of all others might be ſaved; and though 'the ſaid Commiſſioners had already returned to him 'what they had done, yet becauſe the Prelates, Earls, 'Barons, and Great Men of the Kingdom, in whoſe 'Preſence he would have his own and the Reaſons of 'all others propoſed and heard, were not then preſent 'with him; ſince there were others who were bound 'with himſelf to obſerve and maintain the Laws and 'Rights of his Crown; and farther, that thoſe who 'ought to propound their Reaſons concerning this Mat-'ter, had no Notice of it, without whoſe Advice a good 'End could not be put to it: Therefore, becauſe this 'Buſineſs might be diſpatched without Delay, he was 'willing to have a Conference and Treaty with the 'Prelates, Earls, Barons, and Great Men aforeſaid, 'and *others of the Community of the Kingdom*, concern-'ing this Affair, and other arduous Matters touching 'himſelf and the State of the Kingdom; he therefore 'commanded and firmly enjoined him the ſaid Sheriff 'of *Cumberland*, to cauſe to appear before the King at 'his Parliament at *Lincoln*, on the Octaves of St. *Hi-'lary* next coming, two Knights of his County, *viz.*
[116] '*Thoſe who came for the Community of the County by his 'Precept to the laſt Parliament, and alſo the ſame Citi-'zens and the ſame Burgeſſes for all the Cities and Bur-'roughs within his Bailiwick; and if any of them were 'dead,*

[e] From *Prynne* and *Dugdale*.

'*dead, or infirm, then to cauſe others to be choſen, and* King *Edward* I.
'*come in their Stead*; ſo that they might be preſent at
'the Day and Place aforeſaid, with full Power to hear
'and do what ſhould be then ordained for the common
'Profit of the Kingdom.'

Then the Writ concludes with a Clauſe of allowing the Knights and Citizens reaſonable Expences in coming to, ſtaying at, and returning from, the Parliament; and with a farther Command to the Sheriffs, to make Proclamation in their Counties, 'That all thoſe who would
'put in any Exceptions againſt the ſaid Perambulations
'ſhould appear before him, and exhibit them in Par-
'liament.' *Witneſs the King at the* Roſe[f] *the ſix-and-twentieth of* December, *in the eight-and-twentieth Year of his Reign.*

The like Writs were ſent to all other Counties of *England*, except *Cheſhire* and the Biſhoprick of *Durham*[g].

This is the Subſtance of the Writ of Summons in *Engliſh*, wherein the Reaſons are given why the Perambulations could not be receiv'd and conſider'd ſooner: And the Writs to the Biſhops, Earls, and Barons, were in the ſame Form and Words, as to the Reaſons of it, as thoſe to the Commons.

The King wrote alſo to the Commiſſioners, that had made the ſaid Perambulations, to be at this Parliament, and bring with them thoſe Perambulations, and all Things that concerned them.

At the opening of this Aſſembly *Roger de Brabazon*, the King's Chief Clerk, or Secretary, and Privy Counſellor, made them an excellent Speech on the King's Behalf, to this Effect: 'His Majeſty has ordered me to [117]
'let you underſtand, that whatever he hath done in his
'late Wars, hath been performed by your joint Conſent
'and Allowance; but that lately, by reaſon of the ſud-
'den Incurſion of the *Scots*, and the malicious Contri-
'vances of the *French*, the King hath been put to ſuch

[f] *Roſe* Caſtle in *Cumberland*, now the Biſhop of *Carliſle*'s Palace.

[g] Dr. *Brady* ſays *Cheſhire* only; but it is his Miſtake, for *Durham* ſent no Members till the 25th of *Charles* II. See *Statutes at large*.

Tyrrel obſerves, that the Doctor hath, in his Introduction, drawn ſome Arguments from this Writ, to prove that the King might antiently have cauſed *what Members he pleaſed to be returned to Parliament*: But that he had fully anſwered thoſe Arguments, and prints the Writ *Verbatim* from the Record in Support of the contrary Opinion. *Tyrrel*, Vol. III.

King *Edward* I. ‘ extraordinary Expences, that being quite deſtitute of ‘ Money, he therefore deſires a Pecuniary Aid of you, ‘ *viz.* a Fifteenth of your Temporal Eſtates.’ Hereupon the Nobility and Commons began to murmur, and complained grievouſly againſt the King’s menial Servants and Officers, for ſeveral violent Depredations and Extortions. Afterwards they deſired that the Liberties contained in the Great Charter ſhould remain for ever in full Force: Alſo they requeſted the King that the Diſoreſtings, by which the richer Sort had encroached much upon the Poor, and which he had often promiſed ſhould be amended, might be now ordered to be done without more Delay. Theſe and ſome other Articles, which they earneſtly preſs’d the King to grant, protracted this Seſſion ſeveral Days. At laſt, ſays our Authority [g], the King perceiving that they would not deſiſt from their Demands, nor would ſupply his Neceſſities without they were granted; he anſwered, That he was ready to do what they would have him, and if they had any Thing elſe to aſk it ſhould be granted. Then the Charter of Liberties and that of the Foreſts were again renewed, and ſealed with the King’s Seal. They were afterwards carried into every County in *England*, and, when read before the People, the Sentence of the greater Excommunication, as ordained by the Archbiſhop of *Canterbury* and the reſt of the Biſhops, againſt the Violators of them, was proclaimed amongſt them. For this Confirmation of their Liberties, this Parliament granted the King a Fifteenth of all their moveable Goods, to take Place at *Michaelmas* following. But the Archbiſhop of *Canterbury* again refuſed to lay any Tax upon his Clergy, or on any of the Temporalities annexed to the Church, without a ſpecial Licence from the Pope.

Dr. *Blackſtone* obſerves [h], ‘ That this Confirmation of the two Charters ſeems to have been the final and complete Eſtabliſhment of them; which, he adds, from their firſt Conceſſion under King *John*, *Anno* 1215, had often been invaded, and undergone many Mutations for the Space of near a Century; but were now fixed upon an eternal Baſis, having in all, before and ſince this Time, as Sir *Edward Coke* obſerves, been eſtabliſhed, confirmed,

[g] *Mat. Weſtminſter.*

[h] Introduction to *Magna Charta*, p. 74.

confirmed, and commanded to be put in Execution, by two-and-thirty ſeveral Acts of Parliament.' But howſoever *Edward* complied at this Time, we ſhall find, in the Sequel, that he was not without Hopes of having an Opportunity of caſſating theſe Charters, and entirely damning them for ever. King *Edward* I.

That the Barons were the principal Inſtruments to put Fetters on themſelves, appears from what Mr. *Tyrrel* obſerves; who, tho' no Friend to the Prerogative, has given us an Abſtract from an old Manuſcript Chronicle[i], wherein the inſolent Demands of the Barons run near as high againſt this great and wiſe King, as they did againſt his Father: For, ſays this Hiſtorian, the Great Council of the Nobility being continued, after the Commons were riſen, till towards the latter End of *Lent*, they began to fall upon ſeveral raſh and imprudent Projects and Demands; as, That the Chancellor, Chief Juſtice, and Treaſurer ſhould be choſen and appointed by the Community of the Kingdom; which ſo far provoked the King, that he returned them this reſolute Anſwer: [118]

I Perceive you would at your Pleaſure make your King truckle to you, and bring him under Subjection. Why have you not aſked the Crown of me alſo? whilſt at the ſame Time you look upon that as very fit and neceſſary for yourſelves, which you grudge me that am your King: For it is lawful for every one of you, as Maſter of his own Family, to take in or turn out what Servants he pleaſes; but, if I may not appoint my Chancellor, Chief Juſtice, Juſticiary, and Treaſurer, I will be no longer your King; yet if they, or any other Officers, ſhall do you any Wrong or Injuſtice, and Complaint be made of it to me, you ſhall then have ſome Reaſon to complain if you are not righted.

The King's reſolute Anſwer to the Demand of the Barons, to which they ſubmit.

This ſo reaſonable Anſwer of the King's made thoſe aſhamed that were for theſe Alterations; and though ſeveral of them deſired Trouble and Diſturbance rather than Peace and Quietneſs, yet the major Part of the Nobility, ſeeing theſe Deſigns to be vain and frivolous, humbly begged the King's Pardon for their Preſumption.

The King and his Barons being thus perfectly reconciled, an elegant Epiſtle, as *Matthew Weſtminſter* calls

[i] Mr. *Tyrrel* ſhould have mentioned the Authority.

King *Edward* I. it, was wrote to the Pope, ſealed with one Hundred Seals, in order to prove the Right which the *Engliſh* Kings had to the Crown of *Scotland*, from the earlieſt Times, againſt the falſe Suggeſtions, adds he, of the perjured *Scots*, who had avouched otherwiſe.

In this Parliament, alſo, the King created his eldeſt Son, Prince *Edward*, Prince of *Wales* and Earl of *Cheſter*; to the no ſmall Joy of the *Welſh*, as this Prince was born amongſt them.

[119]

The Pope claims the Kingdom of *Scotland* as a Fief of the Holy See.

One great End of a Parliament's being called by the King, at this Time, was, to lay before them a Letter he had received from the Pope; wherein his Holineſs claimed the Kingdom of *Scotland* as a Right belonging to the See of *Rome*[k], as has been ſaid; and for that Reaſon, when he iſſued his Writs for the calling of this Parliament, the King wrote alſo to ſome of his own Clerks, ſeveral Deans of Cathedral Churches, ſeveral Archdeacons, Officials, and others that had the beſt Reputation for Lawyers in thoſe Times, to come to this Parliament, for he ſhould then have Occaſion to treat particularly, with Lawyers and others of his Council, about the Right and Dominion he and his Anceſtors had to the Kingdom of *Scotland*. To the ſame Purpoſe he wrote alſo to the Chancellors of both Univerſities, to ſend to this Parliament the moſt expert and knowing Men in the Written Law. And, further, he ſent his Writs to ſeveral Deans and Chapters, to ſeveral Abbots, Priors, and their Convents, to ſearch their Archives, and ſend all their Chronicles, in which was to be found any Thing relating to his Title to the Kingdom of *Scotland*.

The Pope alledged, in his Letter, that the King of *England*, both againſt Reaſon and Juſtice, had made that Claim; for which he gave the following Reaſons[l]: 'That King *Henry* III. had aſked Aid of *Alexander* 'King of *Scotland*, againſt *Simon Montfort* and his other 'rebellious Barons; and the ſame King *Henry* acknow-'ledged, by his Letters, that he fought not this Aid from 'the ſaid King *Alexander*, as a Service due to him, but 'meerly out of Favour. *Secondly*, When the ſaid King '*Alexander* came to the Coronation of the ſaid King '*Henry*, he came only as a Friend, and out of Kind-'neſs,

[k] *H. Knyghton*, col. 2529.

[l] Dr. *Brady*, Vol. II. p. 71, from the *Public Records*.

'neſs, &c. And as *Edward* King of *England*, after the 'Death of *Alexander*, had attacked and ſubdued the 'Realm of *Scotland*, for want of a Governor, to him- 'ſelf, he declared it was contrary to Juſtice and the 'Liberty of the See of *Rome*. And that the ſaid King '*Edward* had ſuppreſſed all the *Scots* Biſhops, and held 'them under Subjection to him, againſt the Conſtitution 'of the Catholic Church in general, and the See of '*Rome* in particular.' King *Edward* I. [120]

The King, by the Advice of his Parliament, returned this Anſwer to that Part of the Letter wherein the Pope commanded *Edward* to ſend his Proctors and Meſſengers to the Court of *Rome*, to ſhew what Right he had to claim the Realm of *Scotland*, *That he did not think fit to ſay any Thing to it himſelf, but that the whole* Barony *of* England *would write to his Holineſs, that their King could not act in that Manner, nor refer a Right, which was ſo clear and open, to the doubtful Judgment of another Court* [m].

However, the King himſelf thought proper to diſſemble his Anger againſt the Holy Father, for this extraordinary Stretch of Papal Authority againſt him; and accordingly anſwered the Pope's Letter in a very ſubmiſſive Manner [n]. He was alſo very copious in the Declaration of his Right that he had to *Scotland*, and began his Claim from King *Brute* and his *Trojans*; and, no doubt, to amuſe the *Italians*, who could not contradict it, carried his Title clear through the fabulous Hiſtory of *Geofry Monmouth*, &c. But the Lords were more explicit in theirs, and made out their Meaning very plain to his Holineſs; which Letter, as it is ſingular in its Kind, preſerved in the Collection of *Public Acts* [o], and was entirely a Parliamentary Proceeding, muſt find a Place in our Hiſtory. Beſides, the Names of

The whole Baronage of *England*, by Letter, deny his Claim.

[m] The Pope's Letter to the King containing this Demand, the King's Anſwer, with his Claim to *Scotland*, and the Barons' Letter to the Holy Father, but without all their Names, are preſerved in *Mat. Weſtminſter*. The King's Claim is alſo in *Rymer*'s *Fœdera*, *ſub Anno* 1301, Tom. II. p. 863.

[n] This Moderation, on ſuch an Occaſion, when the King was highly provoked at the Pope's Pretenſions, muſt be aſcribed to the Need he had of him in the Affair relating to the Reſtitution of the Duchy of *Guienne*.

[o] *Rymer*'s *Fœdera*, Tom. II. p. 873, 4, 5, *Edit. ſecunda*.

King *Edward* I. [121] of those Lords, whom Dr. *Howel* calls *A List of those worthy Patriots who withstood Papal Usurpation, in a most bigotted Age*, deserves to be carried down to latest Posterity [p].

The Translation of this Letter is as follows:

Their Names. *To the Most Holy Father in* Christ, Boniface, *by Divine Providence, Sovereign Pontiff of the See of* Rome, *his obedient Sons,*

John, Earl *Warren*,
Thomas, Earl of *Lancaster*,
Ralph de Mount-Hermer, Earl of *Gloucester* and *Hertford*,
Humphry de Bohun, Earl of *Hereford* and *Essex*, and Constable of *England*,
Roger Bygot, Earl of *Norfolk*, and Mareschal of *England*,
Guy, Earl *Warwick*,
Richard, Earl of *Arundel*,
Adomer de Valence, Baron of *Monterney*,
Henry de Lancaster, Baron of *Monmouth*,
John de Hastings, Baron of *Bergevenny*,
Henry de Percy, Baron of *Topclife*,
Edmond de Mortimer, Baron of *Wigmore*,
Robert Fitz-Walter, Baron of *Wodham*,
William, Baron *Molyns*,
John de St. John, Baron of *Hannak*,
Hugh de Vere, Baron of *Swanescamps*,
William de Breuse, Baron of *Gower*,
Robert de Monthault, Baron of *Hawardyn*,
Robert de Tateshall, Baron of *Buckenham*,
Reinold de Grey, Baron of *Ruthin*,
Henry de Grey, Baron of *Codnore*,
Hugh Bardolph, Baron of *Wirmgeye*,
Robert de Tonny, Baron of *Castile Mawde*,
Robert de Clifford, Chattellain of *Appleby*,
Peter de Malo Lacu, or *Mawley*, Baron of *Mulgrave*,
William de Ros, Baron of *Hamlake* [*Helmsley*],
Robert Fitz-Roger, Baron of *Clavering*,
John de Mohun, Baron of *Dunestar*,
Almerick de St. Amand, Baron of *Widehay*,
Philip,

[p] This Catalogue of the Nobility is printed in *Hollingshead*'s *Chronicle*; but they are strangely called out of their Names and Titles.

There are the Names also in *Dugdale*'s *Summons*, who has given a List of those summoned to Parliament, whose Names don't appear to the Letter, and of those who signed the Letter and were not summoned.

Philip, Baron of *Kime*,
William de Ferrers, Baron of *Groby*,
Alan de Zouch, Baron of *Aſhby*,
Theobald de Verdon, Baron of *Webberley*,
Thomas de Furnival, Baron of *Sheffield*,
Thomas de Multon, Baron of *Egremont*,
William de Latimer, Baron of *Corby*,
Thomas, Baron *Berkley*,
Foulk Fitz-Warren, Baron of *Whitington*,
John, Baron *Segrave*,
Edmond de Eincourt, Baron of *Thurgarton*,
Peter Corbet, Baron of *Cauz*,
William de Cantilupe, Baron of *Ravenſthorpe*,
John de Beauchamp, Baron of *Hacche*,
Roger de Mortimer, Baron of *Penkethlin*,
John Fitz-Reinold, Baron of *Blenleveny*,
Ralph de Nevil, Baron of *Raby*,
Brian Fitz-Alane, Baron of *Bedale*,
William Marſhal, Baron of *Hengham*,
Walter, Baron of *Huntercombe*,
William Martin, Baron of *Cameis*,
Henry de Tyes, Baron of *Chilton*,
Roger le Warre, Baron of *Iſefield*,
John de Rivers, Baron of *Angre*,
John de Lancaſter, Baron of *Griſedale*,
Robert Fitz-Pain, Baron, of *Lainnier*,
Henry Tregoze, Baron of *Garinges*,
Ralph Pipard, Baron of *Lunford*.
Walter, Baron *Fauconberge*,
John le Strange, Baron of *Knokyn*,
Roger le Strange, Baron of *Elleſmere*,
Thomas de Chaurcis, Baron of *Norton*,
Walter de Beauchamp, Baron of *Alceſter*,
Richard Talbot, Baron of *Eccleſwell*,
John Bottecourt, Baron of *Mendſham*,
John Engain, Baron of *Colum*,
Hugh de Poinz, Baron of *Cory-Malet*,
Adam, Baron of *Well*,
Simon, Baron of *Montacute*,
John, Baron of *Sulle*,
John de Moelles, Baron of *Candebury*,
Edmund, Baron *Stafford*,
John Lovell, Baron of *Berekingy*,
Edmond de Haſtings, Baron of *Enchimchelmok*,
Ralph Fitz-William, Baron of *Grimthorpe*,
Robert de Scales, Baron of *Neuſells*,
William Tuchet, Baron of *Lewenhales*,

King *Edward* I.

[122]

[123]

John

King *Edward* I. *John ap Adam*, Baron of *Beverſtone*,
John de Havering, Baron of *Grafton*,
Robert la Ward, Baron of *Whitehall*,
Nicholas de Segrave, Baron of *Stowe*,
Walter de Tey, Baron of *Stonegrave*,
John de Liſle, Baron of *Wodeton*,
Euſtace, Baron *Hacche*,
Gilbert Pecche, Baron of *Corby*,
William Painell, Baron of *Trackington*,
Bogo de Knovill, Baron of *White-Minſter*,
Foulk le Strange, Baron of *Corſham*,
Henry de Pynkeny, Baron of *Wedon*,
John de Hodeleſton, Baron of *Vanes*,
John de Huntingfield, Baron of *Bradenham*,
Hugh Fitz-Henry, Baron of *Ravenſwath*,
John le Breton, Baron of *Sporle*,
Nicholas de Carrue, Baron of *Mulesford*,
Thomas, Baron *de la Roche*,
Walter de Muncie, Baron of *Thornton*,
John Fitz-Marmaduke, Baron of *Hordene*,
John, Baron of *Kingſton*,
Robert Haſtings, Baron of *Peſtree*,
Ralph, Baron *Grendone*,
William, Baron *Leybourne*,
John de Greyſtock, Baron of *Morpeth*,
Matthew Fitz-John, Baron of *Stockenham*,
Nicholas Meynill, Baron of *Wherlton*,
And
John de Painell, Baron of *Oteli*, or *Ottely* [q],

Devoutly Kiſs his bleſſed Feet:

Their Letter to the Pope.

'OUR Holy Mother, the Church of *Rome*, by whoſe Miniſtry the Catholic Faith is governed, 'as we firmly hold and believe, proceeds upon mature 'Deliberation in her Reſolutions; takes Care to preju-'dice no Man; and is as ſollicitous to preſerve the Rights 'of other People as of her own. Verily, being ſum-'moned by our moſt Serene Lord, *Edward*, by the 'Grace of God, the illuſtrious King of *England*, to his 'General Parliament holden at *Lincoln*, the ſame our 'Lord the King ſhewed us ſome Apoſtolic Letters, 'which, upon certain Affairs touching the Condition 'and State of the Realm of *Scotland*, he had received 'from

[q] In all 124 Barons, which is more than our preſent Houſe of Lords, without the Biſhops, conſiſts of.

'from your Holineſs, and ſeriouſly communicated them to us all. King *Edward* I.

'Which Letters, having heard and diligently conſidered, we were extremely ſhock'd at the Contents of them, being altogether new and unprecedented. [124]

'It is well known, Moſt Holy Father, both in theſe Parts and other Countries, that the Realm of *England*, from its firſt Inſtitution, with the Kings thereof, as well in the Times of the *Britons* as *Saxons*, had an abſolute Dominion over that of *Scotland*; and, in ſucceeding Times, have always kept the Poſſeſſion, or the Superiority over the ſaid Realm. Nor in any Times did the ſaid Realm, by any Right whatſoever, belong, in Temporals, to the See of *Rome*: But rather the ſaid Realm of *Scotland* was always feudal to the Progenitors of our Lord the King, from all Antiquity. Nor were the Kings of *Scotland*, or their Kingdom, ever ſubject or accuſtomed to ſubmit to any other than to the Kings of *England*.

'Neither have the Kings of *England*, in their ſaid Kingdom, ever ſubmitted their Rights, in Temporals, to any Eccleſiaſtical or Secular Court; have never anſwered to them, nor ought to anſwer, but have inviolably obſerved to keep up the free Preheminence, State, and Dignity of the ſaid Kingdom, at all Times.

'Whence, upon a due Diliberation and treating upon the Contents of your memorable Letter, the common and unanimous Conſent of all and ſingular was, is, and will be, God willing, for ever,

'That our aforeſaid Lord the King ought not to anſwer judicially before you, nor ſubmit his Rights over the Realm of *Scotland*, nor any other of his Temporal Rights whatſoever, to your doubtful Judgment. Neither has he any Reaſon to ſend his Meſſengers or Proctors to plead for him in your Preſence; particularly, when the Premiſſes will moſt manifeſtly tend to the diſinheriting of the Right of the *Engliſh* Crown, and its Royal Dignity, and the utter Subverſion of the State of the ſaid Kingdom; and be a Prejudice to our Liberties, Cuſtoms, and paternal Laws; the Obſervation and Defence of which we ſtand obliged, by our Oaths, to defend; and which, [125] by the Help of God, we will, with all our Power and

'Strength,

King *Edward* I. 'Strength, maintain. Neither ſhall we in anywiſe permit, as we can and ought to hinder, ſuch unaccuſtomed Doings; nor ſhall we ſuffer our aforeſaid Lord the King in any Manner to attempt to do, if he would, ſuch undue, prejudicial, and, heretofore, unheard-of Actions.

'Therefore we humbly and reverendly beſeech your Holineſs, that you would kindly permit our Sovereign Lord the King, (who, amongſt other Princes of the Earth, ſhews himſelf a true Catholic, and devoted to the ſee of *Rome*) to poſſeſs quietly all his Rights, Liberties, Cuſtoms, and Laws, without Diminution or Diſturbance.

'In Teſtimony of which we have put our Seals to theſe Preſents, as well for ourſelves, as for *the whole Community of the aforeſaid Realm of* England. *Datis et actis* Lincolniæ, *Anno* M.CCC.I.'

We have now gone through with the Tranſactions of this memorable Parliament at *Lincoln*, which began in *January*, 1301; but how long it ſat is uncertain. However, we find no Mention of another Meeting of Parliament till the next Year, when it was called to *Weſtminſter* on the firſt of *July*, 1302[r], *Anno Regni* 30. We have for Authority, in *Dugdale*, the Writs to the Prince of *Wales* and Peers, to the Archbiſhops and Biſhops, and thoſe to the Judges and Council, dated *apud Thurrock-Grey*[s], the ſecond of *June* this Year; but we do not find that the Commons were ſummoned to this Meeting. The Buſineſs it was called for was to conſult together about concluding a Peace with *France*, which was then upon the Carpet: And, to that End, the King's Council deſired, That his Majeſty might go over there in Perſon in order to treat with the *French* King *viva Voce* about it; which Reſolution, they added, would pleaſe the Nobility of both Kingdoms much; nor could the middle and lower Sort of People be aggrieved at

Anno Regni 30. 1302.

At *Weſtminſter*.

[r] There are ſome Pleadings in *Rymer*, ſaid to be made *in Parliamento apud* Weſtm. *in Octabis S.* Johannis Bapt. *An. Reg. R.* Ed. *Filii R.* Hen. *tricesimo*, p. 231.

Tyrrel gives us alſo another Great Council (not a Parliament, he ſays, becauſe no Commons were ſummoned) at *Stamford* this Year, in *Midlent*, where ſome Complaints were made that the Foreſt Laws were not yet put in Execution, &c. Vol. III. p. 149.

[s] In the County of *Eſſex*.

at it: But the Parliament desiring more Time to consider of this Motion, they were dissolved, and a new one was summoned to meet at *London*; the Writs for which were dated at *Westminster* the 24th of *July*, for *Michaelmas* following. The Writs for summoning the Knights, Citizens, and Burgesses to this second Parliament are still extant[t]; but in the Body of those to the Peers only, *&c.* is particularly expressed, 'That they were called to consult about a Proposal offered to the last Parliament relating to the King's going abroad, *&c.*'

King *Edward I.*

But tho' this Parliament was summoned to meet at *Michaelmas*, as has been said, yet the King, for Reasons not given, thought fit to prorogue them by Proclamation to the 14th of *October* following[u]; when, being met, and the same Proposal again made to them as in the former, it was unanimously rejected, and a Resolution made, 'That the King should remain in his own Dominions, and not go abroad out of them on any Command or Pretence of the *French* King's whatsoever[w]. We cannot find that there were any Aids asked, or any other Business done at this Parliament, except the Pleadings mentioned from *Ryley*, at Note [r] in the foregoing Page, may belong to it.——But to proceed.

[126]

There is some Notice taken of a Parliament in the *Public Acts*, said to be called in *Lent* this Year, wherein the King ordains four of his Chaplains to be Receivers of Petitions at it. But *Ryley* has preserved a great deal of a Parliament which his Authorities say was held at *Westminster*, on the *Sunday* after the Feast of St. *Matthias* the Apostle, in the thirty-third Year of his Reign. The primary Ceremonials of which, as they are very circumstantial, may give our Readers a Notion of the whole Proceedings of such an Assembly in those Times, translated from the old *French*, as follows. *First*, It was ordained by the King, that Sir *Gilbert de Roubiry*, Master *John de Caam*, Sir *John de Kirkeby*, and Master *John Bush* should be Receivers of all the Petitions of those who

Anno Regni 33?
1305.

At *Westminster*.

The Manner of opening a Parliament in this King's Reign,

t Vide *Dugdale*'s *Summons* for the Lords; and *Prynne*'s *Parliamentary Register*, Part II. p. 66, for the Commons.

u Dated at *Lewes* in *Sussex*, *Sept.* 13. *Usque in Craft. S.* Edwardi.

w *Totius Regni Consilio definitum est, Regem in Regno proprio commanere, nec pro Mandato vel Suggestione Regis* Francorum *ab* Anglia *egredi & permissus.* Mat. Westm. *sub hoc Anno.*

King *Edward* I. who shall be Petitioners of this Parliament at *Westminster*. And, upon this, Proclamation was made, by the King's Command, in the Great Hall at *Westminster*, at the Chancery-Bar, and before the Courts of the King's Bench and Exchequer, in the *Guildhall* of *London*, and in *Westcheap*, in these Words:

[127] 'Know all those that come with Petitions to this approaching Parliament, that they deliver them from Day 'to Day, betwixt this Time and the first *Sunday* in *Lent* 'at the farthest, to Sir *Gilbert de Roubiry*, Master *John* 'de *Caam*, &c. or to any of them, who are appointed 'to receive them to the aforesaid Time at the farthest[x]. 'And by this Ordinance and Proclamation all Petitions 'shall be given in accordingly.'

After this the King assigned Sir *William Ing*, Master *Richard de Havering*, Sir *John de Gildeford*, *James de Dalileigh*, and Master *John de Weston*, to receive all the Petitions which concerned the Kingdom of *Scotland*. He also assigned the Bishop of *Chester*, the Earl of *Lincoln*, Sir *Aymere de Valence*, Sir *John de Bretaign*, Sir *John de Havering*, Sir *Arnold de Canpenn*, the Prior of *Mase*, Master *Peter Arnald de Bik*, Master *Peter Emerick*, and Sir *John de Sandale*, to receive and answer all the Petitions that concern the People of *Gascoigny*, which may be answered without the King. The King also appointed Sir *John de Berwyn*, Sir *Henry de Stainton*, *William de Dene*, *William de Mortimer*, and *Roger de Beanson*, to receive all the Petitions from *Ireland* and the Isle of *Guernsey*, and to answer all those that may be answered without the King. And all Petitions that either concern *Scotland*, *Gascoigny*, *Ireland*, and *Guernsey* must be first delivered to those appointed by the aforesaid *Gilbert de Roubiry*, Master *John de Caam*, *John de Kirkeby*, and Master *John Bussh*, in the Manner aforesaid.

And of dissolving them.

The Business of the Session being over, this following Proclamation was made by the King's Command, which seems to be the Method of dissolving a Parliament at that Time:

'All Archbishops, Bishops, and other Prelates, Earls, 'Barons, Knights of Shires, Citizens and Burgesses, 'and all other of the Commons which are come, by 'the

[x] This was an Allowance in Time of just a Week; *Easter-Day* this Year, 1305, was on the 18th of *April*.

'the Command of our Sovereign Lord the King to this King *Edward* I.
'Parliament, the King gives them many Thanks for
'their coming, and wills that, as they have desired,
'they may return into their own Country; going forth-
'with and without Delay, notwithstanding other Com-
'mands, except the Bishops, Earls, Barons, Justices,
'and others, who are of the King's Council, and those [128]
'must not depart without special Leave from the King.
'Those also who have Business have Leave to follow it.
'*And the Knights which are come for the Shires, and*
'*others for the Cities and Boroughs*, may apply them-
'selves to Sir *John de Kirkeby*, who will give them Briefs
'to *receive their Wages in their several Countries*. And
'the aforesaid *John de Kirkeby* is hereby commanded
'to deliver, to the Chancellor, the Names of all the
'Knights of Shires, and the Names of all the Citizens
'and Burgesses, that come for such Briefs for their Ex-
'pences.'.

Many are the Petitions which *Ryley* has given, with the Answers to them, in his Collection; the greatest Part of them are private Concerns and Complaints: There is one, however, of a public Nature, which cannot be passed by without Notice[z]. This is vouched by an Authority still extant amongst the Records in the Tower, which is stiled, *Ordinatio facta per Dominum Regem de stabilitate Terræ* Scotiæ; and begins thus, *Fait a remembrer que come nostre Seigneur le Roy de son Parlement qil tynt a* Westmostere, *en Quarreine l'an de son Regne trentisme tierz eust fait a savoir*, &c.[a]. The whole Act contains the new Establishment of the Civil Government in *Scotland*; but, all together, is much too long and foreign to our Purpose; what may be thought proper, is, That the King had before enjoined the Bishop of *Glasgow*, the Earl of *Carrick*, and *John de Moubray* to inquire into the present State of the Kingdom of *Scotland*, and what Persons should come from thence to represent that Country in Parliament. The Commissioners reported to the King, amongst other Matters, that they thought ten Persons were sufficient; that is to

Ten Persons appointed to represent the *Scots* in the *English* Parliament.

z The whole Proceedings of this Parliament make 60 Pages in *Ryley*. 33 *Edw.* I.

a *Clauf.* 33 Edw. I. *m.* 13. *dorso in scedula.* This stands as the only Act in the Parliamentary Records for this King's Reign; but is printed in *Prynne's Parliamentary Register*, Vol. III. p. 1053.

King *Edward* I. to say, two Bishops, two Abbots, two Earls, two Barons, and two Commoners, one for this Side of the Sea, and one for the other [b], to be chosen by the *whole Community* of *Scotland*, on a Day the King should please to appoint. The King agreed to this, and that, as these ten were to be elected by the whole Community, the Community should bear their Expences; and that two fit Men, for each Part of the Kingdom aforesaid, should be chosen, and have Power to raise the Money to defray this, by and with the Advice and Consent of the Guardian of *Scotland* and the Chamberlain.

These Commissioners for *Scotland* were directed, by the Act, to meet an *English* Parliament at *Westminster*, three Weeks after the Feast of St. *John Baptist* next coming; but it was afterwards prorogued two several Times; first, to meet on the Feast of the Assumption of the Virgin [*August* 15]; and the next Time to the Octaves of the Nativity of the Blessed Virgin [*Sept.* 17] that Year, to sit to do Business. The *Scots* Commissioners came to this Meeting; and, as it may be somewhat curious to know the Names and Titles of those that were thus deputed, we shall give them as follow, *viz.* The Bishops of *St. Andrew's* and *Dunkeld*, the Abbots of *Coupar* and *Meauzes*, the Earl of *Buchan*, Mess. *John de Moubray*, *Robert de Keith*, *Adam de Gordon*, and *John de Inchemartyn*: Earl *Patrick* was elected as the tenth, but, he not appearing, the King nominated the Earl of *Monteth* in his Stead. These *Scots* Commissioners were assigned by the King to treat with two-and-twenty *English*, chosen from the Clergy, Lords, and Commons, about settling the Civil Government of *Scotland* on the best Foundation. These Commissioners, together, nominated and appointed *John* Earl of *Brittain* Lord-Lieutenant and Guardian of the whole Kingdom of *Scotland*; *William de Bevercotes*, Chancellor; and *John de Sandale*, Chamberlain. They also appointed eight Justices in *Eyre*, half *Scots*, half *English*, there also named, who were to preside over four several Districts assigned them in that Kingdom. Lastly, they named all the Sheriffs for each County, and made many more Rules and Ordinances for the better governing this conquered

[b] We suppose the Isles. The old *French* is, *Un de cea la Mere, et un autre de la.* Ryley, p. 243.

quered Country, which were all confirmed by the King in this Parliament. The Whole of this Act, if properly introduced, would make a conſiderable Anecdote in a general Hiſtory of *Britain*. King *Edward* I.

The *Public Acts* [b] have given us a Copy of the Writs, dated at *Wincheſter*, *April* 5, 1306, for ſummoning another Parliament to attend there on the Morrow of the *Holy Trinity* [*May* 30] that Year. The Archbiſhop of *Canterbury* was not called to this Meeting; and it appears by the ſame Authority, and by a Copy of the King's Letter to the Pope, there inſerted, dated at *Wincheſter*, *April* 6, *Reg.* 34, that he was then in Diſgrace [c]. Several other Letters confirm it alſo, but it will ſtill be made more evident by the Sequel; for it is neceſſary here, in order to keep up the Thread of our Hiſtory, to relate ſome Facts which happened at this Time; and though they are not ſtrictly Parliamentary, yet they bear a ſtrong Reference to what was done in former Parliaments. [129]

King *Edward* had been long uneaſy in his Mind, and looked upon the confirming the Liberties, contained in the two Great Charters, as a Diminution of the Royal Prerogative, as appears by a Complaint which he made to the Pope on that Occaſion. *Clement* V. who expected to find his Account in diſintangling the King, made uſe of the Plenitude of his Power, and, by a Bull, abſolved him, in Form, from all Oaths and Excommunications which he lay under for the Obſervance of theſe Charters [d]. And becauſe the Prelates had obliged themſelves, by Act of Parliament, to publiſh an Excommunication againſt thoſe that broke the Charters, to avoid the Tenor of this Cenſure alſo, the ſame Holy Father, in another Bull ſent to the Biſhop of *Worceſter* [e], pronounces all ſuch Excommunications void and of none Effect. In the former Bull the Pope declares, 'That in Caſe the King had ſworn to keep the Charters above-mentioned, yet ſince he had alſo ſworn, at his Coronation, to maintain the Rights of the Crown, it was reaſonable a Regard ſhould be had to this prior Engagement, and therefore his Holineſs gives him a

The Pope abſolves the King from the Oath he had taken to obſerve *Magna Charta*, &c.

[b] Tom. II. p. 986. [c] *Ibid.* p. 989.

[d] *Fœd. Ang.* Tom. II. p. 979. *Dat.* Lugduni, 4 *Kal.* Jan. *Pontificat. ſui Primo.*

[e] *William de Gainſburgh.*

King *Edward* I. Releaſe from all Promiſes prejudicial to his antient Prerogative.'

Tyrrel takes Notice, upon this Occaſion, that, at the ſame Time the King obtained this Bull from the Pope for himſelf, he complained to the Pontiff for granting the like Abſolution for the *Scots*, upon their alledging that their Oath of Fealty had been obtained from them by Compulſion; and from thence he draws this Remark, 'That Princes, as well as ordinary Perſons, are 'often ſo tranſported by Self-Love, that they judge of 'their own Actions by one Rule, and of thoſe that are 'anywiſe ſubject to them, or under their Power, by 'another.'

The King's Conſcience being now at Eaſe, he puts in Execution a Project that had long lain revolving in his Mind: This was to make a ſtrict Inquiry into the Mutiny and Behaviour of the Barons during his Abſence
[130] in *Flanders*, as is above related. He began with the Earl Marſhal; who, being now in no Condition either to deny the Fact or juſtify it, caſts himſelf upon the King's Mercy, made him Heir to all his Lands and Poſſeſſions, and even his Titles, and obtained a Pardon [f]. The reſt of the Confederates were alſo examined, confeſſed, and were deeply fined. At laſt the King ſends for the Archbiſhop of *Canterbury*, expoſtulates with him as being at the Head of the Malecontents, and lays High Treaſon to his Charge; particularly that, when the King was abſent on the Score of the War in *France*, the Archbiſhop entered into a Confederacy with the Earls and Barons, 'To depoſe his Majeſty, to impriſon him for 'Life, and to ſet up his Son *Edward* in his Place.'

The Prelate now loſt all his former Courage, and, being ſeverely reproached by the King for his Perfidy, he offered nothing in his Juſtification, but threw himſelf at the King's Feet, wept, and implored his Pardon [g]; nay, he was ſo far confounded, that, Authors ſay, he offered the King his Pall, and deſired his Bleſſing. The King

[f] *Pro obtinenda Gratia, conſtituit Regem Hæredem ſuum Univerſorum.* Mat. Weſtminſter, *ſub Anno* 1305.

[g] *Mat. Weſtminſter*; *Walſingham*, p. 91; Chron. *W. Thorn*, col. 2003. *Tyrrel* ſays that the laſt-quoted Author is partial in his Account of this Matter, becauſe the Archbiſhop had invaded certain Rights and Privileges belonging to the Abbey of *St. Auſtin* in *Canterbury*, of which he was a Monk. But if *Thorn* was partial, the afore-cited Authors could not be ſo on the ſame Occaſion, who both agree in near the ſame Story.

King replied, That he forgot his Character, and that it was more proper for himself to receive than to give a Blessing. In short, the King delivered over the Prelate to the Pope's Mercy; who, on a Hearing of the whole Matter at *Rome*, suspended him *ab Officio et Beneficio*; under which Suspension he continued all that Reign. King *Edward* I.

We come now to the last Parliament called by this King, which was to meet at *Carlisle* on the 21st of *January*, in the Year 1307 [h]; which was not only the last, but the longest, according to *Prynne*, of any he held before. We do not find that the Writs for summoning the Commons to this Parliament are extant; but those *de Expensis Militum*, at the End of it, are printed in the 4th Part of *Prynne*'s *Register*, dated *Carlisle*, *March* 10, by which it appears they were to be allowed *habito Respectu ad Loci Distantiam, et ad Moram suam diutinam, viz. a dictis Octavis usque ad Dominicam in Ramis Palmarum, rationabiles Expensas suas in veniendo ad nos, ibidem morando, ut prædictum est, et exinde ad propria redeundo.* Anno Regni 35. 1307. At *Carlisle*.

The first Business of this Assembly was to consider of Means to secure the Possession of *Scotland*, by uniting that Kingdom to *England*, as appears in the Body of the Writs to the Lords, dated at *Lanercost*, *November* 3, preceding. *Edward* was resolved to spare nothing to keep the *Scots* in Awe, and even to use the most rigorous Methods; but the Face of Affairs was to be much altered in that Kingdom before any fixed Resolution could be taken about it. [131]

At this Meeting great Complaints were made by the Barons against one *William Testa*, an *Italian* Priest, sent by the Pope, for several Oppressions and Extortions of Money, from the Churches and Monasteries of this Kingdom, not heretofore used. It was therefore prohibited the said Priest, by the Consent of the Earls and Barons [i], to do any Thing of the like Nature for the future; and Messengers were ordered to be sent to the Complaints of the Pope's Oppressions.

h *In Octabis S.* Hilarii. The Writ for summoning *Thomas* Earl of *Lancaster*, with the rest of the Lords, is in *Rymer*'s *Fœd.* Tom. II. p. 1042. See *Dugdale*'s *Summons*, p. 50, 52.

i *De Assensu Comitum et Baronum.* Mat. Westminster.

King *Edward* I. Pope to prevent such Proceedings from that See [k]. In the same Parliament some Statutes were enacted, touching those Religious Societies that had their principal Monasteries beyond Seas [l].

At this very Time it was that the Bishop of *Litchfield*, High-Treasurer, put the King in Mind what a pernicious Favourite the Prince his Son had got of *Pierce Gaveston*, a debauched young Man; and of the bad Consequences that might ensue from that Familiarity. *Edward* resolved to apply a Remedy, and therefore, by the Advice of the Parliament, *Gaveston* was banished the Realm, as a Corrupter of the young Prince. Moreover, the King caused his Son to swear never to recall him, and *Gaveston* to swear also never more to return to *England*. Upon that Condition he allowed him a Pension of 100 Marks, to be paid out of the Duchy of *Guienne* [m]. This Favourite was the Occasion of much Disturbance in the succeeding Reign.

Pierce Gaveston banished.

[132]

There came also to the said Meeting a *Roman* Cardinal, one *Peter* of *Spain*, sent as an Ambassador by the Pope into *England*, in order to conclude a Marriage betwixt the King's eldest Son, *Edward*, Prince of *Wales*, and *Isabella*, Daughter of the King of *France*, which, for the Sake of Peace between the two Crowns, had before been projected by *Boniface* the last Pope [n]. The King, on his Part, said he was ready to stand to the Agreement, if the *French* King would fulfill all the Articles

[k] The Articles, seven in Number, drawn up against the Court of *Rome* at this Time, are in *Ryley*'s *Placita Parliamentaria*, f. 380; and in *Collier*'s *Ecclesiastical History*, Vol. I. p. 500. The same Authorities also give us a Remonstrance against the Oppressions of the said Court, which was dropp'd in the Parliament-House at this Meeting. Both these are too long for our Purpose. See also *Brady*'s *Compleat History*, Vol. II. p. 87, *&c.*

[l] *Statutum de asportatis Religiosorum*; in the *Statutes at large*; *Coke*'s 2d *Inst.* 580; and in *Ryley*'s *Placita Parliamentaria*, p. 312.

[m] The Sentence, in old *French*, is in *Rymer*'s *Fœdera*, Tom. II. p. 1043.

[n] *Quidam Cardinalis* Sabinensis Petrus Hispanus. *Mat. Westminster.* It seems that the Business of this Cardinal was not so much to conclude this Marriage, as to enrich himself by the Plunder of the Churches, *&c.* For the old Monk of *Westminster* tells us that this Cardinal, at his Return from *Carlisle* to *London*, produced a Bull, by which he was empowered to plunder, *depilare Ecclesias* Anglicanas, exacting from all Cathedral, Conventual, Regular or Irregular, Churches and Priories, Twelve Marks *Sterling*; and from every Rectory Eight-Pence from each Mark. 'Till at last the King and Council thought fit to ordain, that the said Cardinal should have no more than what was allowed to Cardinal *Otthoni*, which was just the Half of what the other demanded.

ticles on his Side. A ſmall Caſtle in *Guienne*, which the King of *France* had not yet delivered up, obſtructed the Marriage for this Time; and, though it ſoon after took Place, yet *Edward* never lived to ſee it, dying this Year of a Dyſentery, at *Burgh upon Sands*, in *Cumberland*, and left his eldeſt Son, *Edward*, Heir to his Kingdoms, with all his Glories and all his Conqueſts [o]. King *Edward* I. The King's Death.

It is out of the Courſe of theſe Parliamentary Proceedings to attempt the Characters of any of our Kings, much leſs of this great and warlike King now before us. His Battles, Sieges, and Conqueſts we leave to our more general Hiſtorians to relate; and his political Capacity, in regard to his own Subjects, may be beſt gathered from his Conduct and Dealings with his Parliaments throughout the whole Courſe of his Reign. It has been ſaid that this King gave the laſt Sanction to the two Great Charters, whereby they were eſtabliſhed for ever: But we fear that, if he had lived to return from this laſt *Scots* Expedition, he would have availed himſelf of the Pope's Bull of Abſolution, and at once have thrown off the Shackles he thought his Subjects had impoſed upon him. That painful and voluminous Writer and Collector of *Engliſh* Records and Hiſtory, Mr. *Prynne*, has left behind him his Sentiments on this Matter, in which he has diſplayed his true Proteſtant Zeal againſt Popes and their Bulls to ſome Purpoſe. We ſhall give it in his own Words, without any other Comment or Animadverſion [p].

'The King having now cruſhed the Earls and Barons who had formerly oppoſed and conſpired againſt him, with this Archbiſhop, the Captain, chief Author, and

[o] This Year alſo, according to the Archbiſhop of *Caſhel*'s *Engliſh Hiſtorical Library*, died our Contemporary Hiſtorian, *Matthew* of *Weſtminſter*, ſtiled, for his admirable Collections, *Florilegus*.

There are ſeveral Statutes made at different Times, but whether in Councils or Parliaments we know not: They are extant in the *Statutes at large*, but are not taken Notice of by our Hiſtorians, *viz.*

Stat. de Protectionibus, at *Weſtminſter*, *Nov.* 18, 32 *Edward* I. *An.* 1304.
A Definition of Conſpirators.
Statute of *Champerty*, *Sep.* 18, 1305.
An Ordinance for Inqueſts.
An Ordinance for meaſuring of Land.
The Statute *de Feoffatis*, *May* 27, 34 *Edward* I. *An.* 1306.
Articles of Inquiſition on the Statute at *Wincheſter*, *&c.*
A Statute of *amortiſing* Lands.
A Statute of Liberties, *&c.*
Ordinatio Foreſtæ, *&c.*

[p] *Prynne*'s *Parliamentary Records*, Vol. III. p. 1097, 8.

King *Edward* I. Encourager of their Conſpiracy, *Quia hujus Inteſtinæ Seditionis cauſa, Juramentum Regni ſui Proceribus de obſervandis eorum Privilegiis et Immunitatibus a ſe preſtitum eſſe ſenſerat ejus Religione amplius non teneri, ſed Papali Authoritate ſolvi voluit: Obtinuitque Rex a Domino Papa Abſolutionem a Juramento quod invitus præſtiterat ſuper obſervantia Libertatum alias a Comitibus et Baronibus exactarum; uſus Conſuetudine et Cautelâ Paternâ (ſcilicet Avi et Patris ſui Regis* Joannis *et* Henrici III.) *qui quoties inſtabat Neceſſitas de facili jurare voluit ſe ſatisfacturum Votis eorum, et eâdem facilitate voluit reſilere quoties ſibi Tempus commodius acciderit, pretendens ſemper Papalem Abſolutionem a præſtito Juramento: Qua Regum tam ſupina Cæcitate, papalis Juris dictio ad eam Magnitudinem crevit, ut Reges plus quam Ægyptiaca Obſcuritate involuti, Papæ tantum Authoritatis deferentes, quæcunque vel firmiſſima ac ſanctiſſima Jura atque Fœderâ ea diſſolvi poſſe ſæpe ad ſuam et Regnorum Perniciem credebant In Hebdomada Paſchæ, fecit Rex publicari Bullam Apoſtolicam ſuper Abſolutione Juramenti præſtiti ſuper de afforeſtatione jampridem factâ et ſervandâ, excommunicando Jus Jurandum illud ſervare volentes, damnantes vero illud approbat et abſolvit.*

'What could be more atheiſtical, anti-chriſtian, diabolical, ſcandalous, deſtructive to Chriſtian Religion, Public Faith, Honeſty, Juſtice, and human Society, than for this and other Popes, by their impious Bulls, to canonize profeſſed Perjury and Breach of ſolemn Oaths for a Chriſtian Virtue, and damn the Obſervation of them for a moſt deteſtable Crime? Yea, to excommunicate all thoſe as unworthy the Privilege, Name, or Society of Chriſtians, who made a Conſcience to obſerve their ſolemn, ſacred Oaths; and yet to approve, abſolve all thoſe as moſt innocent, meritorious Chriſtians, who perfidiouſly and wilfully violated them? This letting looſe the Lion, and untying the King from the Covenant made with his Subjects concerning their Charters confirmed to them by his three laſt Acts of Parliament, by abſolving him from his Oath, was an Act of little Piety in the Pope, and of as little Conſcience in the King; who (as if he now ſhould have no more Need of his Subjects) diſcovered with what Sincerity he did it, is *Samuel Daniel*'s juſt Cenſure of, and Obſervations thereon;

thereon; which unworthy Act God himself exemplarily retaliated, by the *Scots* Violation of their Oaths, Covenants, and new Ordinance, most solemnly made and sworn by them to King *Edward* in Parliament, without any papal Absolution, and raising new Rebellions against him, when he was most secure, to his unparallel'd Vexation.' King *Edward* I.

To conclude our Historical Account of Parliaments in this King's Reign, it cannot be amiss to insert the Names of the Bishops, Abbots, Priors, and Barons that were called and appeared at this last Parliament held at *Carlisle*. *John Stowe* [c], who has preserved this List in Part, writes, That he had seen an old Register, of good Authority, containing the Names of 87 Earls and Barons, 20 Bishops, 61 Abbots, and 8 Priors; besides many Deans, Archdeacons, and other inferior Clerks of the Convocation; the Master of the Knights Templars; and of every County two Knights, of every City two Citizens, and of every Borough two Burgesses, *&c.* But the following is a complete List of the Prelates, Abbots, and Barons, in this Parliament, taken from the Record itself. [133]

The NAMES *of those who were summoned to Parliament in the 35th Year of King* EDWARD I. *at* Carlisle, *in the Octaves of St.* Hilary, [Jan. 21] *in order to treat upon the Affairs of* Scotland, *and other Matters specially relating to this Kingdom.*

List of the Parliament held at *Carlisle*, *Anno* 1307.

EDWARD Prince of *Wales*,

BARONS.

Henry Lacy, Earl of *Lincoln*,
Ralph Mounthermer, Earl of *Glouceſter* and *Hertford*,
Thomas Earl of *Lancaſter*,
Humphrey Bohun, Earl of *Hereford* and *Eſſex*,
John Warren, Earl of *Surrey*,
Edmund Earl of *Arundale*,
John de Britain, Earl of *Richmond*,
Guy Beauchamp, Earl of *Warwick*,
Robert Vere, Earl of *Oxford*,
Gilbert Umfreville, Earl of *Angus*,
Henry of *Lancaſter*,
Aymer of *Valence*,
John Ferrers,
Henry Piercy,
Hugh

[c] See *Stowe's Chron.* p. 211. *Ryley*, p. 318.

King *Edward* I.

BARONS.

Hugh Spencer,
Robert Fitz-Walter,
William Latimer,
Robert Clifford,
Robert Montalte,
Hugh de Veer,
Walter Faulconberge,
Ralph Baſſet, of *Draiton*,
Roger la Warr,
John Paynell,
Alexander Baliol,
Hugh Pointz,
Roger Mortimer,
[134] *William Rither*,
Reginald de Grey,
Walter de Muncy,
Robert de Scales,
Adam de Well,
Almaric de St. Amand,
William Cantalupe,
John Engaigne,
Gilbert Peche,
John de Clavering,
William de Leyburn,
John de Beauchamp, of *Somerſet*,
William Grandiſon,
John Haſtings,
John le Mare,
John de Rivers,
John de Mohun,
Peter de Mawley,
Robert Fitz-Pain,
Hugh de Courtney,
Edmond Deyncourt,
John St. John, of *Lageham*,
Geoffrey de Geynual,
Thomas de Furnival,
Robert de Tony,
Thomas de Berkeley,
William de Brewſe,
Peter Corbet,
William Martin,
Thomas de Multon,
John ap Adam,
Philip de Kyme,
John de Segrave,
Robert Fitz-Roger,
John L'Eſtrange,
John L'Iſle,
John de Sudley,
Simon Mountacute,
Walter de Tey,
Edmund de Haſtings,
John de Lancaſter,
John de St. John,
Henry Tregoze,
John Lovel de Tichmerch,
Alan la Zouch,
Henry Teyes,
Nicholas Segrave,
Fulke Fitz-Waren,
John Fitz-Reignald,
Geoffrey Camvile,
William le Vavaſour,
William de Ferrers,
Robert Grendon,
Edmund Stafford,
Ralph Fitz-William.
Thomas de la Roche,
Theobald de Verdon, jun.
William Tuchet,
Henry Huſſey. Total 86.

BISHOPS.

Archbiſhop of *York*,
Biſhops of *Lincoln*,
London,
Chicheſter,
Exeter,
Hereford,
Saliſbury,
Llandaff,
St. Aſaph,
Bangor,

Biſhops

BISHOPS.

Bishops of *St. David's*,
Coventry and *Litchfield*,
Bath and *Wells*.
Norwich,
Rochester,
Durham,
Carlisle,
Ely,
Worcester,
Winchester. 20.

ABBOTS.

Of *St. Augustin*, in *Canterbury*,
St. Edmundsbury,
St. Alban's,
Westminster,
Waltham,
Evesham,
St. Mary, at *York*,
Peterborough,
Ramsey,
Winchecomb,
Gloucester,
Bristol,
Malmesbury,
Glastenbury,
Selby,
Cirencester,
Reading,
Of *Furneys*,
Sawley,
Alnwick,
St. Osith,
Barlinges,
Tupholm,
Biley,
Dale,
Newhus,
Croxton,
Cockersand,
St. Radegound,
Tichfield,
Torre,
Holmecoltbram, [135]
Welbeck,
Hales,
New Minster,
Joreval,
Fountaynes,
Byland,
Maux,
Kyrkestall,
Roche,
Rufford,
Valdieu,
Grendon,
Stanley in Arden,
Pipewell,
Combe,
Basingwerke. 48.

Stowe adds the Names of some other Abbots, of which the Record takes no Notice: Those are therefore omitted.

The King commanded the Bishops to give Orders to their Deans and Chapters, and to the Clergy of their respective Dioceses, to send Proctors for the same Purpose; all whose Names are inserted in the same Record, but too numerous to be recited.

Writs also were issued to the Sheriffs of every County, to send for each Shire two Knights, for every City two Citizens,

King *Edward* I. Citizens, and for every Borough two Burgeſſes, *Ad dictum Parliamentum venire, ad Tractandum, &c.* but their Names are wholly omitted in the Record.

[136] The following Account of the Price of Proviſions in this Reign, will help to aſcertain the Amount of the Taxes in modern Money. In the Year 1288 Wheat was ſold at *London* for 3*s.* 4*d.* a Quarter, when it was deareſt; and in other Parts abroad for 20*d.* 16*d.* and for 12*d.* the Quarter, and in the Weſt and North Parts for 8*d.* Barley for 6*d.* and Oats for 4*d.* the Quarter. And in the Year 1299 a fat Cock was ſold for 1½*d.* two Pullets for 1½*d.* a fat Capon 2½*d.* a Gooſe 4*d.* a Mallard 1½*d.* a Partridge 1½*d.* a Pheazant 4*d.* a Heron 6*d.* a Plover 1*d.* a Swan 3*s.* a Crane 12*d.* two Woodcocks 1½*d.* a fat Lamb from *Chriſtmas* to *Shrovetide* 16*d.* and all the whole Year after for 4*d.* [z].

Price of Proviſions in this Reign.

TAXES *in this King's Reign.*

Taxes granted to King *Edward* I. IN his 4th Year, *A. D.* 1276, he had a Fifteenth granted him by the Earls, Barons, Great Men, and Community of the Kingdom; and by the Archbiſhop of *Canterbury* and his Suffragans, a Subſidy of their Goods (not ſaid how much) as a free Gift only, not to be drawn into Example [a].

In the 5th Year the Laity gave him the twelfth Part of their Goods towards carrying on the War in *Wales* [b].

In the 11th Year, towards the War againſt the *Welſh*, the Laity gave him a thirtieth, and the Clergy a twentieth Part of their Goods. Pope *Nicholas* IV. granted him a Tenth of all Eccleſiaſtical Benefices, according to their true Value, upon Oath, throughout all *England*; to be received for the Space of ſix Years next enſuing, for the Relief of the *Holy Land* againſt the *Turks* [c].

[137] In the 19th Year the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and all others of the Kingdom or Government, granted a Fifteenth of all their moveable Goods [d]. This Tax was to recompenſe the King for

z *Stowe's Chron.*

a Rot. Pat. 4 *Edw.* I.

b *Tho. Wykes Hiſt. Ang. ſub An.* 1277.

c *Ibid. An.* 1283; and the *Chronicle* of *Lanercoſt*, quoted by *Tyrrel.*

d This appears by the Chequer-Roll in the 19th of *Edward* I. with the King's Remembrancer. *Inter Communia de Term.* Mich. *Rot.* N°. 5.

for the Loſs he had ſuſtained by the Baniſhment of the *Jews*. King *Edward* I.

In the 22d Year the Prelates and Clergy granted the Moiety, or Half, of their Benefices and Goods; to be taken, one third Part at the Feaſt of *All-Saints* next coming; the other third Part, fifteen Days after *Eaſter*; and the laſt third Part, fifteen Days after St. *John Baptiſt* then next coming. And in the ſame Year, at a Parliament holden on the 12th of *November* at *Weſtminſter*, when four Knights were ſummoned from every County, to conſult and conſent to ſuch Things as the Earls, Barons, and Great Men ſhould ordain, for themſelves and the Communities of the Counties [e], they gave the King a tenth Part of their moveable Goods [f]. In the ſame Month the City of *London* granted a ſixth Part of their moveable Goods, as a Subſidy toward the War. About the ſame Time there were Commiſſioners appointed to require, in Perſon, the Men of all his Demeſne Cities and Towns in all the Counties of *England*, by all Ways they ſhould ſee expedient, to grant a ſixth Part, as *London* had done, that it might ſhew Example to others of his Demeſne Towns [g].

In his 23d Year the Clergy gave the King a Tenth; the Earls, Barons, Knights, and others [h] of the Kingdom, gave an Eleventh; and the Citizens and Burgeſſes, and other good Men of his Demeſnes, gave him a Seventh of their moveable Goods [i].

In the 24th Year, the Earls, Barons, Knights, and others of the Kingdom, gave a twelfth Part; the Citizens, Burgeſſes, and Tenants of his Demeſnes, gave an eighth Part [k]. The Clergy gave nothing, by reaſon of an Inhibition the Archbiſhop had obtained from Pope *Boniface*; which he cauſed to be publiſhed at this Time in all the Cathedrals [l]. [138]

In

e Rot. clauſ. 22 *Edw.* I. m. 6. dorſ. *de Militibus eligend. & mittendis ad Concilium.*

f This appears by the Writ for appointing Aſſeſſors, Taxors, and Collectors for the ſame Tenth. 22 *Edw.* I. m. 6. dorſ. in ſcedula.

g *Inter Record. de An.* 22 Edw. I. *Rot.* 73 *de ſexta Parte Regi conceſſa in* London.

h *Alii de Regno.*

i Rot. clauſ. 23 *Edw.* I. m. 4. dorſ. ib. m. 2.

k *Inter Communia de Term. S.* Michael, 25 Edw. I. *Rot.* N°. 5. *Penes Remem. Reg.*

l *Matt. Weſtminſter.*

King *Edward* I. In his 25th Year he had a Ninth of all the Laity, and a Tenth of the Clergy, for the Confirmation of the Great Charter, and the Charter of the Foreſts. The Clergy of the Province of *Canterbury* gave a Tenth; and the Province of *York* a Fifth [m].

In his 29th Year, upon his Confirmation of the Perambulations of the Foreſts, the Laity gave him a Fifteenth of their Moveables [n]. *Robert de Winchelſea*, Archbiſhop of *Canterbury*, would grant nothing for the Clergy without the ſpecial Licence of the Pope.

In his 32d Year, the King being in *Scotland*, Commiſſioners were appointed to tax Cities, Boroughs, and his Demeſnes in Cities and Boroughs, either Capitation by Poll, or in common, as it might turn moſt to his Advantage [o].

In the 33d Year, the King having ſummoned a Parliament at *Weſtminſter*, to raiſe Money for the War againſt the *Scots*, there was given him by the Clergy, Nobility, and Knights of the Shires, the thirtieth Penny of all their moveable Goods; and at the ſame Time the Citizens and Burgeſſes gave a twentieth Part of the ſame Eſtates. In this Parliament, alſo, the Archbiſhops, Biſhops, Prelates, Earls, Barons, and other Tenants of his Demeſnes, petitioned, That they might have Leave to taliate their Tenants of the ſame Demeſnes, as he had taliated them; and it was granted [p]. And about this Time he had a Fifteenth granted to him in Parliament [q].

In his 34th Year, the King intending to knight his eldeſt Son, ſummoned the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and other Great Men, to grant an Aid upon that Occaſion. He alſo ſent to all the Sheriffs of *England*, to cauſe to come two Knights of every County, and of every City two Citizens, and of each Borough one or two Burgeſſes, as the Borough was greater or leſs. Theſe Prelates, Earls, Barons, and other Great Men, and alſo the Knights of Shires, unanimouſly granted to the King, for themſelves and the whole

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[m] 25 *Edw.* I. m. 6. dorſo.

[n] Rot. Peramb. Foreſt, 29 *Edw.* I. *in Turre.*

[o] Rot. Pat. 32 *Edw.* I. in ſcedula.

[p] Rot. clauſ. 33 *Edw.* I. m. 9. dorſo. *Ryley's Placit. Parl.* f. 246 to 265.

[q] *Ibidem*, f. 60.

whole Community of the Kingdom, a thirtieth Part of all their temporal moveable Goods, *&c.* for a competent Aid toward the Knighthood of his Son, and also for an Aid toward his Expences, which he was to be at in the War with *Scotland*. The Citizens and Burgesses also unanimously granted a Twentieth [r]. K. *Edward* II.

A late Historian remarks, That, by the summoning of Knights, Citizens, and Burgesses to Parliament, in this King's Reign, the Government became a Compound of three principal Kinds: The King, as Sovereign, represented Monarchy; the Lords, Aristocracy; and the Commons, Democracy: The Executive Power was solely in the King by his sworn Officers, from whence came this Grand Maxim of the Law of *England*, *That the King can do no Wrong*. The Balance and Measure of Power in the Government was in the King, Church, and Nobility, to the Proportion of above two Thirds of the Landed Interest; but not one Third in the Commons [s].

[140]

EDWARD the Second, surnamed of *Caernarvon*, began his Reign in the Year 1307, at the Age of Twenty-three Years. Never did Prince come to the Crown under more favourable Circumstances, or was received with more general Joy and Applause by his People: Yet this King's first Step in the Government blasted all their Hopes; for he had scarce done the last Offices to that great Prince to whom he owed his Birth, when, forgetting his Oath concerning *Gaveston*, he recalled that Favourite; and, in an Instant, as it were, made him one of the richest and greatest Men in the Kingdom [t]. K. *Edward* II. succeeds his Father, and recalls *Gaveston*.

Anno Regni 1°
1308.

In the very first Year of his Reign he called a Parliament to meet at *Northampton*, which was to consider about the late King's Funeral, his own Marriage with the Princess *Isabella* of *France*, his Coronation, and the present At *Northampton*.

r *Inter Communia Term.* S. Trin. 34 Edw. I. N°. 40. *Penes Remem.* printed in Mr. *Petyt*'s *Appendix to his Rights of the Commons of England asserted*. See also *Jus Parliamentarium*, by the same Author, *fol. An.* 1736.

s *Gurdon*'s *History of Parliaments*, Vol. II.

t He made him Earl of *Cornwall*, and gave him all the Lands devolved to the Crown by the Death of the late Earl, Son to *Richard* King of the *Romans*; with many other Lordships and Possessions, all mentioned in a Charter for that Purpose, and which stands as the first public Act of his Reign. *Fœd. Ang.* Tom. III. p. 1.

K. *Edward* II. preſent State of *Britain*. On theſe Occaſions the Clergy, as well as the Citizens and Burgeſſes, gave a Fifteenth; and the Barons, with the Knights of Shires, a Twentieth. But, in Compliment to their new King, they ſtretched a Point too hard upon his Subjects; for they ordered, That the baſe Coin, which would not paſs in his Father's Time, ſhould not now be refuſed on Pain of Life or Limb [w]. This Parliament is not entered on the Rolls, nor are there any Writs or Returns now extant concerning it.

An Order was made at this Time for the Burial of the late King, who was ſolemnly brought from *Waltham*, and interred at *Weſtminſter* with much Funeral Pomp and Ceremony. But to allay the young King's Grief for the Loſs of his Father, a Marriage was alſo concluded in this Parliament between his Favourite *Pierce Gaveſton*, the new Earl of *Cornwall*, and the Daughter and Heir of *Gilbert de Clare*, Earl of *Glouceſter*, which he had by *Joan de Acres*, the King's Siſter [x].

Our modern Hiſtorians are full of Invectives againſt this *Gaveſton*; and ſay that every freſh Favour granted to this Foreigner, by the King, increas'd the Hatred of the Lords againſt him. One of them obſerves [y], 'That 'hardly would an *Engliſhman* raiſed to ſo high a Station 'have been endured; much leſs a private *Gaſcoin* Gen-'tleman, in whom they diſcovered no other Merit than [141] 'a handſome Face, an eaſy Shape, and a quick Wit; 'very agreeable in Converſation, but little proper to 'govern a State.' On the other Hand, Dr. *Brady*, from Sir *Thomas de la More*, who was Servant to *Edward* II. and wrote his Life, adds to the Character of his Perſon and Senſe, which the other gives him, 'That he was 'a great General, and ſufficiently ſkilful in Military Af-'fairs; which appeared by his Management of, and 'keeping in due Subjection, the *Scots*, when he com-'manded the *Engliſh* Forces in that Kingdom; and for 'which, add our Authorities, he was much envied by 'thoſe who ſaw his happy Succeſs [z].

However, ſince the Lords plainly ſaw that it was in vain to preſs the King to part with his Favourite, and that

w Rot. clauſ. 1 *Edw.* II. m. 18. d. *Walſingham*, p. 96.
x *Hellingſhead's Chronicle.*
y *Rapin.*
z *Brady's Compleat Hiſtory of England*, Vol. II. p. 101.

that he would never consent to it unless he was forced, they convened themselves at *Ware*, and from thence went to *Northampton*; and the King, having no Forces to oppose them, was obliged to summon another Parliament to meet fifteen Days after. Which being met accordingly at *London*[a], divers Articles were laid to the Charge of the Favourite, 'As abusing the King's Ear, 'by obtaining immoderate Grants to himself; his em-'bezzling the Treasure of the Kingdom, and taking 'the best Jewels of the Crown to his own Use[b].' Thus far Mr. *Tyrrel*; but he omits what *J. Stowe* adds in their Complaint, tho' he quotes the very Passage from that History, *viz.* That the Lords told the King, 'That '*Gaveston*'s Father was executed for being a Traitor to 'the King of *France*; that his Mother was burnt for 'a Witch; that the said *Peirce* was banished for con-'senting to his Mother's Witchcraft; and that he had 'now bewitched the King himself[c].'

K. *Edward* II. Anno Regni 1. 1308. At *London*.

The King, as is said, hoping to divide the Barons, and take off some that had been the least provoked, proposed it to the Archbishop of *Canterbury*, the Bishop of *Durham*, the Earls of *Lancaster* and *Hereford*, that he would refer all Differences to them, and confirm whatsoever they should judge most fit to be done on this Occasion. But the Bishops and Lords would not undergo the Odium of such an Arbitration; and said, 'They 'would act nothing without the general Consent of all 'the rest of the Barons, who would not be satisfied with 'any Thing less than that the Earl of *Cornwall* should 'immediately quit the Kingdom.' This the King delaying to grant, they were about to take up Arms; but he fearing the ill Consequence of a downright Denial, after many Altercations with his Nobles, was at last obliged to part with his Favourite, and to banish him from *England* for ever. This Sentence had the Ratification of all the Estates; and, to make it stronger on the King's Part, he confirmed it by Letters Patent under the

[142]

Gaveston banished again by Order of Parliament,

a On *Hocday*, says *Stowe*. This Day was called *Hoc-Tuesday*, being the second *Tuesday* after *Easter* Week. A Festival antiently kept as a Memorial for the *English* mastering the *Danes*. Jacob's Law Dictionary.

b *Tyrrel*'s *History of England*, Vol. III. p. 227.

c *Stowe*'s *History of England*, p. 213. *Tyrrel*, we suppose, not having any great Faith in this last Accusation, wholly omitted it.

K. *Edward* II. the Great Seal. But all this was not thought ſufficient; for at the ſame Time the Archbiſhop of *Canterbury*, with the other Biſhops and Prelates of the Church, being aſſembled in a Synod, thundered out their Sentence of Excommunication againſt the ſaid *Pierce Gaveſton*, if he ſhould remain in *England* beyond the Day prefixed; and againſt all ſuch as ſhould preſume to adviſe, aſſiſt, ſuſtain, receive, or adhere to him, or do any Thing whereby his ſaid Paſſage over ſhould be hinder'd; with the like Clauſe againſt all who ſhould favour, adviſe, or procure his Return [d].

And his Adherents excommunicated.

All the Mitigation the King could gain his Minion, in this Matter, was to ſend him into *Ireland*, over which Kingdom he made him Governor; and the King himſelf bore him Company as far as *Briſtol*.

But there were other Matters, than this Affair of *Gaveſton*, tranſacted at this Parliament. The Lords had a Mind to fall upon new-modelling the Government again; and accordingly preſented an Addreſs to the King, complaining, 'That the State and his own 'Houſhold were ſo ill managed, that it was abſolutely 'neceſſary to find Means to prevent the Conſequences [143] 'of this Diſorder.' They added, 'That the only pro-'per Method, as they thought, was for the King to 'leave to certain Lords, appointed by the Parliament, 'the Care of well-governing the Kingdom, and his 'own domeſtic Affairs. This *very modeſt* Addreſs, which his Father would have made them ſmart for, this weak Prince gave his Conſent to; and, without conſidering the Conſequence of a Condeſcenſion ſo pernicious to his Authority and Quiet, he permitted the Parliament to chuſe ſeven Biſhops, eight Earls, and ſix Barons, to make the propoſed Regulation [e].

A Commitee appointed by Parliament to govern the King's Affairs.

It muſt appear plain, to an impartial Reader, that the *Republican* Scheme, broached in his Grandfather's Time, was again ſet on Foot under this King's Government;

[d] The Form of theſe Letters Patent, and the Sentence of Baniſhment, are to be found at large in *Tyrrel*'s *Hiſtory*, Vol. III. p. 229.

[e] They were the Archbiſhop of *Canterbury*; the Biſhops of *London*, *Saliſbury*, *Chicheſter*, *Norwich*, *St. David*'s, and *Llandaff*; the Earls of *Glouceſter*, *Lancaſter*, *Lincoln*, *Hereford*, *Pembroke*, *Richmond*, *Warwick*, and *Arundel*; and theſe Barons, *Hugh de Vere*, *William le Marſhal*, *Robert Fitz-Roger*, *Hugh Courtray*, *William Martin*, and *John de Grey*. Brady. See the King's Letters Patent, for conſtituting theſe Commiſſioners, in *Brady*'s *Hiſtory*, Vol. II. p. 202; and in the *Appendix*, N°. 59.

ment; and that the Baniſhment of *Gaveſton* proceeded not ſo much from the Love the Lords bore to the King's Perſon, as that they thought his Counſels and Influence would be a great Obſtruction to their Deſigns. No ſooner were theſe Commiſſioners conſtituted, but they all took an Oath, *That they would make ſuch Ordinances as ſhould be to the Honour of God, the Honour and Profit of Holy Church, to the Honour of their Lord the King, and to the Profit of him and his People, &c.* After which they made ſeveral Ordinances, to the Number of forty-one, which Dr. *Brady* has tranſcribed from the Parliament Roll, and are printed in his *Appendix*. The ſame Author has given us a Tranſlation of them, in Effect, with the King's Confirmation of them, both of which are too long for our Purpoſe [f]: But the Preamble to theſe Ordinances, to ſhew the good Deſigns of the Patriots in thoſe Days, may not be unacceptable to our Readers. K. *Edward* II.

'For that the King was deceiv'd by evil Counſel; and 'the Nations of *Gaſcoigny*, *Ireland*, and *Scotland*, in 'Danger to be loſt; and the Realm of *England* to be [144] 'ruined by Oppreſſions, Prizes, Takings, and Deſtruc-'tions; therefore *Robert* Archbiſhop of *Canterbury*, the 'Biſhops, Earls, and Barons, choſen according to the 'King's Commiſſion, did ordain, to the Honour of God 'and Holy Church, and the Honour of the King and 'his Realm, in Manner following, *&c.*'

It appears, by the Courſe of our Hiſtory, that this Seſſion of Parliament was very long, and, perhaps by Prorogation, continued till the next Year: For they were ſummoned to meet on the 10th of *Auguſt*, and the King's Letter to conſtitute the Commiſſioners bears Date the 20th of *March* following.

Not long after this another Parliament occurs, which met at *Stamford*, *July* 26: It was ſummoned to ſuppreſs the ill Intentions of the *Scots*; yet we do not find any Thing done to that Purpoſe. But here the King ſo far prevailed with the major Part of the Nobility then preſent, that they were content *Pierce Gaveſton* ſhould enjoy the Earldom of *Cornwall* during Life. This Con-

Anno Regni 2. 1309.

At *Stamford*.

[f] *Rotulus Parliamenti de Anno* 5°. Edw. II. *Brady's Hiſtory*, p. 103 to 110.

K. *Edward* II. descenſion of the Nobility was owing, ſays an Author, to the King's confirming the Decree of the Commiſſion aforeſaid [h].

Anno Regni 3. 1310. At *York*. On the 18th of *October*, the next Year, we find that the King held another Parliament, or rather a Piece of a Parliament, at *York*; for here ſeveral diſcontented Lords refuſed to come, being greatly diſſatisfied at what was done at the laſt. At this Meeting the renowned *Pierce Gaveſton* appeared again, and took his Place as Earl of *Cornwall*; but he had much better have ſtaid where he was, as the Conſequence will ſhew. The Heads of the Oppoſition, who refuſed their Attendance, were the Earl of *Lancaſter*, the King's Couſin-German; and the Earls of *Warwick*, *Oxford*, *Lincoln*, and *Arundele*; whom [145] Dr. *Brady* puts under the ſignificant Name of the *Ordainers* [i].

The chief Buſineſs that was done at this Meeting, was, firſt the King publiſhed his Reaſons for the recalling his Favourite, which were, 'That he was baniſhed 'contrary to the Laws and Uſages of the Kingdom, 'which he, the King, was bound to maintain by the 'Oath he took at his Coronation; and ſeeing he was, 'in the Inſtrument of Exile, ſtiled no otherwiſe than '*Good* and *Loyal*, he returned at his Commandment; 'and was ready to ſtand Trial before him, and anſwer 'to all ſuch as would accuſe him, every Thing that 'ſhould be objected againſt him, according to the Laws 'and Uſages aforeſaid.' This Declaration was dated at *York*, *Jan.* 18, and directed to the Sheriff of *Yorkſhire*, and all the Sheriffs in *England* [k].

The

[h] *Tyrrel*'s *Hiſtory of England*, Vol. III. p. 234.
A Statute made at *Stamford*, 3d of *Edward* II. being a Confirmation of 28th *Edward* I. is extant in the *Statutes at large*, *ſub hoc Anno*.

[i] The Barons now uſed to come to Parliament, themſelves and Attendants armed; there is a general Inhibition from the King, and a particular one to the Earl of *Lancaſter*, to forbid this Practice. *Fœd. Ang.* Tom. III. p. 200.
Mr. *Tyrrel* has quoted in one Page, Vol. III. p. 234, two Paſſages from *Hemingford*'s *Chronicle*, a MS. in his Time; but his Quotations muſt certainly be erroneous, ſince, by the learned Dean *Gale*'s printed Edition of that Author, that Hiſtorian comes down only to the Year 1273, and the Death of *Henry* III.
Carte is guilty of the like Miſtake, by quoting *Hemingford*, *An.* 1309, 2 *Edward* II.

[k] *Brady*'s *Appendix*, N°. 53.

The Lords, who were assembled, neglected not this Opportunity offered them, and represented to the King, 'That the Laws and Customs of the Kingdom were 'not observed, nor the late-made Ordinances regarded.' Upon which the King, to obviate such Reports, issued out another Declaration, by which he commanded and firmly enjoined the Sheriffs of all Counties to proclaim in full County, and in all Cities, Boroughs, and Market Towns, and in other Places which they should think expedient, 'That it was his great Care and chief De-'sire his Peace should every where be observed; and 'that all the Laws and Customs of the Kingdom, used 'and approved in the Time of his Progenitors, and also 'all the Ordinances lately made to the Honour of God 'and Holy Church, and his own, to the Profit of him 'and his People, which were not to the Damage or 'Prejudice of him and his Crown, or contrary to the 'Laws and Customs aforesaid, should be maintained [146] 'and kept. Witness the King at *York*, *Jan.* 26 [l]. K. *Edward* II.

The discontented Lords were then in *London*, and the King, fearing some Disturbance might happen, sent an Order to the Mayor, Aldermen, and Common Council of *London*, 'To secure the City, so as by the Meetings 'of the Prelates, Earls, Barons, and others, there might 'happen no Hurt or Danger to him or the City [m].'

The Declaration and Order above availed nothing to better the King's Cause; nor another, wherein he sets forth, 'That he was resolved to preserve the Rights of 'his Crown and Royal Dignity, the Peace and Tran-'quillity of Holy Church, and the whole People com-'mitted to his Charge in all Things;' and, in order to proceed amicably with the dissatisfied Bishops and Barons, and according to the Power reserved in the Protestation he made when he confirmed the Ordinances, the King appointed Commissioners out of those Prelates and Barons he had with him at *York*, to treat with those of the Secession at *London*, about the Observation of the Ordinances, upon which were grounded all their Pretences of Discontent; and to reform and correct, by their good Advice, all such Things in them as were prejudicial or injurious to him, or contrary to the Form

[l] *Brady's Appendix*, No. 54.

[m] *Idem*, p. 113. *Ex. Pat.* Edw. II. P. II. m. 22. *Teste Rege apud* Ebor. Feb. 8.

K. *Edward* II. of the Commiſſion, before granted, if any ſuch ſhould appear [n].

Farther Differences between the King and his Barons.

The Prelates, Earls, and Barons, who were then at *London*, excuſed themſelves from treating concerning the Ordinances in the Abſence of the King, and ſent him this Anſwer, 'That in his Preſence, whenever he 'pleaſed to call them together, they would treat upon 'the Ordinances, and ſhould be ready to do all Things 'according to his own Proteſtation, and alſo according [147] 'to the Proteſtation they made at the Time of publiſh-'ing theſe Ordinances [o].'

It appears by the Dates of theſe Writs, Declarations, *&c.* that the King continued ſeveral Months in *York*, whilſt theſe Diſputes were in Agitation betwixt him and the ſeceding Lords. And theſe Tranſactions, in ſeveral Circumſtances, bear a ſtrong Analogy to ſome in a much later Reign, as the Reader will find in the Courſe of theſe Inquiries. Nor were the End of them leſs fatal in one Reign than the other, ſince they both terminated in dreadful Cataſtrophies, the private Murder of one King, and the public Execution of another.

The ſeceding Lords began now to pull off the Maſque, and to declare openly, that they would, by Force, drive *Gaveſton* from the King; and accordingly raiſed an Army, over which, by common Conſent, *Thomas Plantagenet*, Earl of *Lancaſter*, was made General. After which they ſent a Meſſage to the King, worded humbly enough, 'That they beſought him either to de-'liver *Pierce Gaveſton* to them; or, as it had been or-'dained, command him inſtantly to depart the King-'dom.' The King, putting his Favourite's Preſervation on a Footing with his own, retired with him from *York* to *Newcaſtle*; where the Barons and their Army followed them. From thence they went to *Tinmouth*, where the King taking ſhipping, carried *Gaveſton* with him to *Scarbrough*, and placing him in the ſtrong Caſtle there, he himſelf left him and went to *York*. The Earl of *Lan-*

[n] The King's Commiſſioners were the Biſhop of *Norwich*, *John Salmon*, *Guy Terre*, *John de Crumbewell*, *Hugh de Audley*, *William Deyncourt*, *Henry Spigurnel*, *Henry le Scroop*, Knights; the two laſt Juſtices; and *Thomas de Cobham*, *Robert de Pickering*, *Walter de Thorp*, *Gilbert de Middleton*, *John Frauncеys*, and *Adam Briggs*, Clerks. Idem in Append. N°. 55. Dated at *York*, *March* 8.

[o] *Ryley's Plac. Par.* p. 541.

Lancaſter and his Army ſtill followed them, and coming before *Scarbrough* Caſtle they beſieged it; which, after ſome Time, capitulating, *Gaveſton* render'd himſelf upon Condition, 'to ſtand to the Judgment of the Barons; 'and that he might once more ſpeak with the King.' But now, having him at their Mercy, he found but a ſmall Share of it from them; for they ſoon after, without much Proceſs, beheaded him, as a public Enemy to the Kingdom [p]. K. *Edward* II. They order *Gaveſton* to be beheaded.

To cloſe up this Man's Cataſtrophe, take Mr. *Daniel*'s Character of him in theſe Words: 'He was a Native [148] 'of *Gaſcoigny*, and, for the great Service his Father had 'done to this Crown, was educated by King *Edward* I. 'with the Prince his Son, by which Means he gained ſo 'great an Intereſt in his Favour. He was a goodly Per'ſon, of undaunted Courage, as he ſhewed himſelf at a 'Tournament at *Wallingford*, where he challenged the 'beſt of our Nobility, and is ſaid to have foiled them 'all, which inflamed their Malice againſt him. In *Ire'land*, during the ſhort Time he was Lieutenant there 'in his Baniſhment, he conquered the Rebels in the 'Mountains of *Dublin*, built *Newcaſtle* in the *Kern*'s 'Country, and repaired *Kauni* Caſtle, and afterwards 'paſſed up into *Munſter* and *Thomond*, doing great Ser'vice to his Maſter with much Valour and Bravery. 'He ſeems to have been a Perſon who could not fawn 'or ſtoop to thoſe he loved not, nor diſguiſe his Nature 'ſo far as to temporize with his Enemies. But, pre'ſuming upon his Fortune, he grew in the End to be 'arrogant and proud, and was ſo intolerable, as no'thing but his Ruin, which it produced, could eaſe the 'Subjects of that heavy Burden.'

Gaveſton being thus cut off, the Lords in the Confederacy ſent a very haughty Meſſage to the King, proudly demanding, ſays an old Hiſtorian [q], that their Ordinances ſhould be confirmed and put in Execution, threatening, 'That, if it was not done ſpeedily, they would come 'and compel him to do it;' and they united all their Forces, and quartered themſelves in the Country about *Dunſtable*, the King being then at *London*. But ſoon after a Treaty was ſet on Foot betwixt the King and his

[p] On a Hill near *Warwick*, *June* 19, 1312.
[q] *Proterve poſtulantes*. Walſingham.

K. *Edward* II. his Barons, by the Mediation of ſome Biſhops; and Articles of Agreement, eight in Number, were ſettled betwixt them[r]. By the firſt, it was ſtipulated, 'That 'the Earls and Barons, concerned in the Affair above, 'ſhould come before the King in *Weſtminſter-Hall*, and 'with great Humility, on their Knees, make their Sub-'miſſion; and ſwear, if he ſo deſired, that what they 'did, and for which they had incurred his Diſpleaſure,
[149] 'was not done in Deſpight of him, and they ſhould 'humbly pray his Forgiveneſs, and receive it with a 'good Will, *&c.*'

This Submiſſion was to be made publickly at the next Parliament. But for all that the King took the Death of *Gaveſton* ſo heavily, that he never forgave the Authors of it; and, when he had it in his Power, revenged it ſeverely on them.

Anno Regni 6. 1313. At *Weſtminſter.*

In the Year 1313, the King intending an Expedition into *France*, and to carry his Queen with him, in order to pay a Viſit to her Brother the *French* King, thought proper firſt to call a Parliament to meet on the eighth of *July* at *Weſtminſter*, and to leave a Commiſſion with the Earl of *Glouceſter*, conſtituted Regent, together with the Biſhops of *Bath* and *Worceſter*, and the Earl of *Richmond*, to open the Parliament and continue the Seſſion till his Return. The Barons were very impatient to have the Acts of their Pardon and Security paſs; and therefore this Meeting did not ſatisfy them, the King not being preſent at it, and they all went back to their own Homes. But the King landing a ſhort Time after, and finding how Matters went, thought fit to diſſolve that Parliament and to iſſue out Writs for calling another, which was to meet on the 23d of *September* following at *Weſtminſter*.

The Earl of *Lancaſter* came thither attended with a great Number of armed Men, raiſed from his own Tenants; notwithſtanding the King had ſent him a poſitive Inhibition againſt it, as well as to ſome other Lords of the ſame Party[s]. When they were met the King renewed his Complaints before the Clergy and Laity,

[r] See *Brady*'s and *Tyrrel*'s Hiſtories, p. 117, and 255.

[s] There were Letters of Safe-Conduct directed to the Earls of *Lancaſter*, *Hereford*, and *Warwick*, the Barons *Percy*, *Clifford*, *Hotland*, and *Fitz-Marmaduke*, with their Attendants and Servants. *Rym*, Tom. III. p. 422.

Laity, 'concerning the Affronts and Injuries he had 'lately received from the Barons; of their taking *Pierce* 'Gaveſton and cutting off his Head, contrary to the Ar- 'ticles he had made at his Surrender.' The Confederate Lords, on the other Side, unanimouſly anſwered to theſe Accuſations, 'That they had in nowiſe offended the 'King in what was laid to their Charge; but rather 'deſerved Thanks and Good-Will from him, ſince 'they did not bring an Army thither in Contempt 'of his Authority; but only to deſtroy a public Enemy 'of the Kingdom, who had been often baniſhed by the 'Community thereof, and which Sentence had been 'confirmed by the King himſelf, as being a Perſon who 'had not only injured the King's Reputation, but had 'robbed the Crown of its Revenues, and had raiſed per- 'petual Diſſentions betwixt the King and his natural- 'born Subjects.' They alſo boldly declar'd, 'That they 'would no longer truſt to his vain Promiſes, or be de- 'ferred any longer of their Securities.' The Queen, the Biſhops, and the Earl of *Glouceſter*, *Ralph de Monther-mer*, who was a neutral Lord in this Matter, undertook to ſettle theſe Differences, to mitigate the Diſpleaſures of both Parties, and to make Peace between them. By their Mediation, therefore, the King was to remit his Diſ- pleaſure towards the Lords, provided that they and their Adherents did, in *Weſtminſter-Hall*, in full Parliament, perform the Submiſſion which had been before agreed on, *viz.* 'That they ſhould humble themſelves before 'him, and beg his Pardon in whatever they had offended 'him, and thereupon the King ſhould again receive 'them into his Grace and Favour, and ſhould look up- 'on them for the future as his Liege-men and Subjects; 'and, confirming all the Articles required, ſhould never 'again queſtion any Man for the Death of *Gaveſton*; 'but ſhould grant his Charter of Indemnity to all that 'ſhould deſire it[u].' All which Particulars being agreed to by the King, and perform'd by the Confederacy, they, with the reſt of the Great Men of the Kingdom, conſidering the King's Neceſſities, granted him a Fifteenth of all their moveable Goods; and then the Parliament was

K. *Edward* II.

[150]

The Barons make a formal Submiſſion.

[u] The Charter of Pardon is preſerv'd amongſt the *Public Acts*, in *French*; and there are near 500 Names of Lords and private Gentlemen, the latter moſt of them North, that took out their Pardons. *Fœd. Ang. Tom.* III. P. 443.

K. Edward II. was diſſolved, every Man going home with Joy and Satisfaction.

The Affairs in *Scotland*, at this Time, went worſe than at home; *Robert Bruce*, their new King, taking Advantage of the Civil Diſſentions in *England*, had now reduced moſt Part of that Country to his Obedience. To recover what was loſt, *Edward* raiſes a vaſt Army and marches againſt the *Scots* King; but met with ſo great an Overthrow at *Bannockburn*, that, after leaving the greateſt Part of his Army dead behind him, he retired with much Precipitation to *York*[w]. Here it was that he called a Parliament, or a Council, of his ſhattered Nobility, to meet on the 15th of *Auguſt*; but the Nation being in much Conſternation, by their late great Loſs, though this Aſſembly ſat from the Time aforeſaid untill *Michaelmas*, yet nothing but the Exchange of the Lady of *Robert Bruce*, and ſome other Priſoners, was concluded at it.

The *Scots* gain a Victory at *Bannockburn*.

[151]

Anno Regni 7. 1314.

At *York*.

This Devaſtation of Men was followed by a dreadful Famine, which laſted three Years, and deſtroyed an infinite Number of People. To remedy which, and to ſettle the Price of Proviſions, which were grown exceſſive dear at that Time, the King ſummoned a Parliament to meet at *Weſtminſter*, on the 20th of *December*, 1315. When the Prelates, Peers, and Commons were there aſſembled, they took into Conſideration the ſad Condition of the Kingdom, and how to abate the exceſſive Price of Victuals; which, by reaſon of the late bad Years, was grown ſo ſcarce that the ordinary People had much ado to live. The Archbiſhops, Biſhops, Earls, Barons, and others of the Community of the Kingdom, preſented a Petition to the King and his Council, praying, That a Proclamation might be iſſued out ſettling the Price of Proviſions in the Manner following, 'Becauſe, ſay they, 'that Oxen, Cows, Muttons, Hogs, Geeſe, Hens, Ca-'pons, Chickens, Pigeons, and Eggs, were exceſſive dear, 'that the beſt Ox, not fed with Corn, ſhould be ſold for 'ſixteen Shillings and no more; and if he was fed with 'Corn, then for twenty-four Shillings at moſt. The 'beſt live fat Cow for twelve Shillings. A fat Hog, of 'two Years old, for three Shillings and Four-pence. A 'fat Weather, or Mutton, unſhorn, for Twenty-pence, and

Anno Regni 8. 1315.

At *Weſtminſter*.

The Price of Proviſions ſettled by Proclamation on Account of the Scarcity thereof.

[w] This Battle was fought *June* 25, 1314.

' and ſhorn, for Fourteen-pence. A fat Gooſe for Two- K. *Edward* II.
' pence Halfpenny. A fat Capon for Two-pence. A
' fat Hen for a Penny. Two Chickens for one Penny.
' Four Pigeons for a Penny; and twenty-four Eggs for
' a Penny. And thoſe who would not ſell the Things
' for theſe Rates were to forfeit them to the King.' Proclamation was made in every County in *England* accordingly. Mr. *Tyrrel* obſerves that Silver was then at Twenty-pence the Ounce; which muſt argue a great Allay in it at that Time. [152]

This Petition being made by a Parliament, from thence it became a temporary Statute [a]; yet it did not take ſufficient Effect, by reaſon that the Scarcity of all Proviſions ſtill increaſed; a Quarter of Corn being ſold not long after for twenty Shillings, and Barley for a Mark; the Sheep being alſo moſtly dead of the Rot, and Corn being ſo very dear Hogs and Poultry could not be kept, whereby all Sorts of freſh Meats became ſo ſcarce, that the King, going to *St. Alban*'s in *November* this Year, had much ado to get Victuals to ſuſtain his Family.

This Parliament, however, granted the King a twentieth Part of their Goods or Moveables; but, in *Staffordſhire* and *Shropſhire*, ſome refuſed to pay it, and hindered the Collectors, appointed by the King, from gathering it. Their Pretence was, That this Tax was granted on certain Conditions, *viz.* That the King ſhould cauſe the Great Charter of the Liberties of *England*, the Charter of the Foreſt, the Ordinances made by the Prelates, Earls, and Barons, and the Perambulation of Foreſts, to be obſerv'd; which had not then been duly put in Execution. The King was much ſurprized and diſpleaſed at this Remonſtrance, ſince he had ſtrictly commanded that all theſe Laws ſhould be kept, and had aſſigned Commiſſioners in all Counties to make the Perambulations; whereupon, that he might be thoroughly ſatisfied

[a] *Per Petitionem Archiepiſcoporum, Epiſcoporum, Comitum, Baronum, et aliorum de Communitate Regni, coram nobis et Conſilio noſtro exhibitam, &c.* Rot. Parl. N°. 35, 36.

This Petition, and the Order of Council made upon it, are entered on the Parliament Rolls, in *French* and *Latin*, of which the foregoing is a Tranſlation. There are no leſs than 268 Petitions, with their Anſwers, entered alſo on the Rolls, all on private Affairs except the former. And in what is call'd the 8th and 9th of the ſame King, which takes in ſome Part of the ſucceeding Parliament at *Lincoln*, diverſe *Memoranda*, as they are there ſtiled, of more Petitions, are there entered, but all on private Property.

K. *Edward* II. satisfied about the Nature of the Action, and have the Names of the Actors, he appointed one of his Clerks to go with the Collectors, and to make Inquiry by themselves, or by the Oaths of lawful Men of those Parts, if it was needful, concerning the Particulars, and certify them distinctly to him [c].

Anno Regni 9, 1316. The next Year, 1316, the King summoned a Parliament to meet at *Lincoln*, fifteen Days after St. *Hilary*, or *Jan.* 28; where being met, the King deferred going upon any Business, because his Uncle, *Thomas* Earl of *Lancaster*, and other Great Men, were not yet arrived; according to whose Advice he intended to proceed. But, in the mean Time, the Chancellor, Treasurer, and Justices of both Benches, were enjoined to bring in Briefs of such Matters depending before them, in their several Places, which could not be determined out of Parliament, that here, in this Session, they might proceed in them as they ought.

At *Lincoln*.

[153]

This is the first Parliament that is entered on the Rolls in Form; the Preamble tells us, That they met for the first Time in the great Hall belonging to the Dean of *Lincoln*, in whose House the King then lodged. That, being assembled, the King gave Command to *William Inge*, one of the Justices of the King's Bench, to declare the Cause of the Summons; which, he said, was on sundry and arduous Matters, principally relating to the King's Realm of *Scotland*, as had been mentioned in the Writs. That the King desired they would treat on this and other Affairs with all convenient Speed; adding, That the King was under much Concern, that he was obliged to call them together at a Time when the great Scarcity of Victuals must make those, who came from a great Distance, to think their Stay both tedious and burthensome.

A few Days after, the Earl of *Lancaster* and the other Peers being come, the Cause of summoning this Parliament was again declared; also for their Advice and Assistance against the *Scots*, who had possessed themselves of the greatest Part of that Nation, and thrown off all Allegiance to *England*; the King, 'beseeching and enjoining all his Liege Subjects, there present, to advise and assist

[c] *Tyrrel* and *Brady*.

'assist him in this Matter[d].' Upon this it was agreed to meet the next Day and treat about Parliamentary Business; when being assembled they debated many Things, which took up all that Day, and the King commanded they should come together again the Day following; when they were to meet in the Chapter-House of the Church of *Lincoln*. Here it was agreed, that the Act passed the last Parliament, relating to the Proclamation for the Prices of Victuals, should be repealed, and that they should be sold as formerly at as reasonable Rates as they could be afforded. For a very good Reason, says *Walsingham*, because, that after that Statute, Provisions were grown much dearer, the Dearth still continuing in a greater Degree. K. *Edward* II.

Two or three Days after the King, by the Bishop of *Norwich*, declared to the whole Body assembled, 'That 'he would observe all the Ordinances formerly made by 'the Prelates and Great Men, and also the Perambula-'tions of Forests made in his Father's Time, saving to 'the King his Reasons against them;' and Writs were made out accordingly.

[154]

The next Day the Parliament granted to the King, in Aid for his War with *Scotland*, of every Village in the Kingdom one stout Footman, except Cities, Boroughs, and the King's Demesnes[e]; and these Footmen were to be armed and furnished with Swords, Bows, Arrows, Slings, Launces, and other Armour fit for Footmen, at the Charge of the Towns, and their Expences to be paid untill they came to the Place of Rendezvous, and their Wages for sixty Days after, and no longer, unless the King's Service required it, at Four-pence a Day. Market-Towns that were able to be charged further with Men, were so to be charged; the King promising to give his Letters to the Peers and Commons, and to their Heirs, *That this Grant should be no Precedent, nor drawn into Example for the future.*

The same Day, by the Advice of this Parliament, the King ordered all the Military Service due to him, which was

[d] *Supplicans & injungens Prelatis, Proceribus et cæteris fidelibus et Subditis suis, ibidem existendibus, ut sibi in Præmissis consulerent, et facerent sibi Auxilium opportunum.* Rot. Par. 9 *Edw.* II.

[e] Cities and Boroughs were not exempted, for we find that the City of *London* sent 200, *Canterbury* 40, *St. Alban's* 10, and so in Proportion to all the rest. *Sam. Daniel.* But the Record is otherwise.

K. *Edward* II. was the whole Militia of *England*, to be ſummoned to appear at *Newcaſtle* upon *Tyne*, fifteen Days after *Midſummer*. Then the Knights, Citizens, and Burgeſſes granted the King an Aid to carry on this Expedition into *Scotland*, which was a fifteenth Part of all moveable Goods, on Citizens, Burgeſſes, and Men of Cities and Boroughs, and the King's Demeſnes, which they were poſſeſſed of at *Michaelmas* laſt.

Before this Parliament was diſſolved, the King, to ſhew his Sincerity towards his Couſin *Thomas*, Earl of *Lancaſter*, ordered the Biſhop of *Norwich* to tell him, 'That he deſired he would caſt away all Fears and 'Doubts on his Account, aſſuring him that he bore the 'Earl a hearty Good-will, with the reſt of the Nobles, 'and held them to be his faithful Liege-men; and fur-'ther told him, that the King deſired to have him the 'Chief of his Council; requeſting him, in Behalf of the 'King, Prelates, and Great Men there preſent, to take 'upon him and aſſiſt and adviſe in the Affairs of the King 'and Kingdom.' The Earl thanked the King, and humbly requeſted Time to give in his Anſwer[s], and, after a very ſhort Pauſe, he conſented to the Propoſal, and [155] was ſworn of the King's Council. Our Records have preſerved the Form of this Oath, or Proteſtation, which, ſince it is ſingular, done in Parliament, and ordered to be entered on the Roll, claims a Place in our Hiſtory.

'Whereas our Lord King *Edward*, by the Grace of 'God, King of *England*, hath, with the Prelates, Earls, 'and Barons of the Land, in full Parliament, requeſted 'his dear Couſin, the Lord *Thomas*, Earl of *Lancaſter*, 'That he would be Chief of his Council in all great and 'weighty Affairs, touching himſelf and his Realm; to-'gether with other Prelates, Earls, and Barons, who 'ſhall, between the King and him, take Care, that it 'may be for the Profit of the King and the Realm; the 'ſaid Earl, for the great Love he hath for his Lord the 'King, and for common Profit of the Kingdom, and 'the Ordinances which he had intirely granted to ob-'ſerve, and the right Laws to maintain in all Points, 'and in Hopes to make Amendments in ſuch Things 'as had been ill done in his Court, and the Eſtate of 'his Realm, did yield to be of the King's Council, with 'the

[s] *Supplicavit quod ipſe poſſet deliberare et poſtea reſpondere.* In Origin.

'the Prelates, Earls, and Barons; ſo as at any Time, K. *Edward* II.
'if the King ſhall not do according to his Directions,
'and thoſe of his Council, concerning the Matters of
'his Court and Kingdom, after ſuch Things have been
'ſhewn him; and that he will not be directed by the
'Counſel of him, and others, the Earl, without Evil-
'Will, Challenge, or Diſcontent, may be diſcharged
'from the Council; and that the Buſineſs of the Realm,
'concerning him, ſhall not be done or performed with-
'out the Aſſent of him and the other Prelates, Earls,
'and Barons, which ſhall be ordained or appointed to
'adviſe him; and if any of the Prelates, Earls, and Ba-
'rons ſhall adviſe the King, or do other Thing which
'ſhall not be for the Profit of him and his Realm, then
'at the next Parliament, by the Advice of the King
'and his Friends, they ſhall be removed; and ſo it ſhall
'be from Parliament to Parliament, as to them, and
'every of them, according to the Faults found in them.'

In Witneſs hereof this Article was ordered to be entered on the Parliament-Roll.

It is very plain by theſe Proceedings that the King [156]
did as much as he could to bring over and eſtabliſh his Kinſman in his Intereſt; and, further, he created him General over the Forces that were to march againſt *Scotland*; but Dr. *Brady* obſerves that no Hiſtorian makes Mention of any great Thing he did by this Command. Mr. *Tyrrel* indeed excuſes him, and ſays the Fault lay in the Diſtruſt the Earl ſtill had of the King, which made the whole Expedition miſcarry. But the Contemporary Hiſtorians, with more Juſtice, fix it on the horrible Famine which raged in the Land, and deſtroyed ſo many People that no Army of any Conſequence could be raiſed amongſt them [d]. However it was, we may believe that the Fire was not quite extinguiſhed between theſe two near Relations, ſince, in

[d] The Famine is reported to be ſo great, and endured ſo long, as is almoſt incredible. The near Contemporary Hiſtorians, *Knyghton* and *Walſingham*, give dreadful Accounts of the Scarcity and the Mortality, both of Men and Cattle, which muſt neceſſarily enſue. A Quarter of Wheat, the Canon writes, was ſold in *Leiceſter* Market for forty-four Shillings; twenty Times above its ordinary Value; for the very next Year there was ſuch a Harveſt, that a Buſhel of Wheat, which ſold before for ten Shillings, was ſold for Tenpence; Oats, that were eight Shillings, for as many Pence, &c. *Chron. J. Stowe.*

K. *Edward* II. a small Time after, it broke out to the Destruction of them both.

There happened an Affair this Session of Parliament which deserves our Notice. *John* Lord *Ross* was accused before the King for drawing his Sword upon *Hugh Despenser* the younger, in the Cathedral Church of *Lincoln*, during Divine Service, in the King's Presence, and in Contempt of his Crown and Dignity. Lord *Ross* pleaded that the other had insulted him first with very contumelious Language, and had afterwards struck him a Blow on the Face, which drew Blood from him: That he, upon this, fearing more Mischief, did draw his Sword, it was true, but not in Contempt of the King, but in his own Defence; and therefore he put himself upon the King's Mercy. But the King considering that these Facts were committed in his Presence, in the Time of the Parliament's Sitting, and in manifest Breach of the Peace, fined each of them 10,000 *l.*[e] a mighty Sum in those Days; and they were committed to the Custody of the Marshal till they paid it. They found Means to get bailed afterwards; but, by the Importancy of the Persons who were their Securities[f], it is plain the Crime was judged of a very high Nature. Nor did *Hugh Despenser*, tho' some Time after the King's chief Favourite, gain his Pardon till near four Years after.

There are several Matters else, but of less public Concern, entered on the Rolls, as done in this Parliament, which we omit. The Writs for calling the Commons to this Meeting are not extant, though they are mentioned under the Name of the whole Commonalty of the Realm, to be at it.

So great were the Confusions that followed this Parliament, by the *Scots* Invasions, that though more were called, yet none sat to do any Business to the Purpose; and one, particularly, which was summoned to meet at *Lincoln*, in the Year 1318, the Writs being revoked for this Reason, 'That his Enemies and Rebels, the *Scots*, 'had invaded *England* and come into *Yorkshire*, com-'mitting many Murders, plundering, wasting, and 'burning the Country; so that the King resolved sud-'denly

[e] *Decem Millia Librarum.*

[f] The Bail were *Ademar de Valentia*, Earl of *Pembroke*; *John de Warren*, Earl of *Surry*; *Edmund*, Earl of *Arundele*; *Gilbert Pecche*, *Thomas Lwymer*, and *Roger de Felton*, all Barons. Rot. Parl. 9 *Edw.* II. N°. 5, 6.

'denly to march againſt them with an Army to reſtrain 'their Incurſions, and bring them to a Submiſſion; and 'therefore this Parliament was put off [g]. K. *Edward* II.

But, in the Midſt of theſe Tumults, the King found an Opportunity to meet a Parliament at *York*, which had been ſummoned to come to that City three Weeks after *Michaelmas* [h], in the Year 1319. Here it was that an Indenture, made betwixt the Earl of *Lancaſter* and certain Prelates, Earls, and Barons, who were ſent by the King to *Northampton*, to conſult with the Earl about the better Regulation of the Government, was read in Parliament, and all Things in it diligently conſidered [i]. Upon which the Parliament agreed to petition the King, 'That, for the Honour of himſelf and the Profit of 'him and the Realm, for the great Affairs which con-'cern him and which do daily happen, he would pleaſe 'to aſſent, That two Biſhops, one Earl, one Baron, one 'Baron or Banneret of the Family of the Earl of *Lan-'caſter*, in his Name and for him, ſhould be preſent 'and remain with him by Turns, or Quarters of the 'Year, to deliberate with, and adviſe him in due Man-'ner; and that they might deliberate and adviſe about 'all conſiderable Matters out of Parliament, untill a 'Parliament ſhould otherwiſe determine concerning 'them; ſo as none of theſe Things ſhould be debated 'without the Counſel or Aſſent of the Prelates, Earls, 'and others which remained with the King according 'to the Form of the ſaid Indenture; and if any Thing 'was done otherwiſe it ſhould be void.' Anno Regni 12. 1319. At *York*. [157]

The King underſtanding this Requeſt, and, ſays our Authority, deſiring to be adviſed what to do, or ought to be done, for the Honour and Profit of him and the Realm; and conſidering that when he received the Government he found *Scotland* in War againſt him, and ſince there had been Wars in *Ireland*, and many other Diſturbances had happened in his Dominions, for which he thought it neceſſary to have with him the greateſt and

[g] *Brady* and *Tyrrel*, from Rot. clauſ. 11 *Edw.* II. m. 3. dorſo. The Writ to the Earl of *Lancaſter* is publiſhed in *Ryley*'s *Plac. Par. Ap.* p. 559. *Fœd. Ang.* Tom. III. p. 712.

[h] *Oct.* 20. *Statutes at large*, 12 *Edward* II.

[i] See the Indenture at large in *Brady* and *Tyrrel*. *Fœd. Ang.* Tom. III. p. 722, &c.

K. *Edward* II. and moſt ſufficient Advice; he therefore agreed to have the ſaid Prelates, Earls, and Barons to adviſe him in the Form aforeſaid; yet ſo as his own Miniſters ſhould always perform their Offices according to the Law and Uſage of the Kingdom.

And whereas it was contained in the ſaid Indenture, 'That the Prelates, Earls, and Barons, there named, [158] 'had undertaken, by the Aſſent of the King, that he 'ſhould make to the Earl of *Lancaſter*, his People, or 'Party and Followers, Releaſes and Acquittances of 'all Manner of Felonies and Treſpaſſes againſt his Peace, 'untill St. *James*'s Day this Year; and that the Char-'ters of Releaſe and Acquittances ſhould be abſolute 'without Condition; and if better Security could be 'found for them in the next Parliament, they ſhould 'have it, and alſo confirmed by the King and his Ba-'ronage; the King, by the Aſſent of the Prelates, Earls, 'Barons, and Commonalty of his Realm, in his ſaid 'Parliament, granted a Pardon to the Earl of *Lancaſter* 'and his Followers, for the Breach of his Peace, and 'whatever belonged to him by reaſon thereof; and of 'all Manner of Felonies and Treſpaſſes committed againſt 'the Peace unto the ſeventh of *Auguſt* laſt paſt, and a 'Pardon of Outlawry to thoſe that ſhould demand it, 'if any had been pronounced againſt them, before the 'making of their Charters; and commanded the Biſhop 'of *Ely*, then his Chancellor, That he ſhould make 'Charters under his Great Seal, abſolute and without 'Condition, for the Earl of *Lancaſter*, and ſuch as he 'ſhould, by his Letters, name to the Chancellor.

'Alſo, whereas in the ſame Indenture it was contain-'ed, That the Ordinances ſhould be holden and kept 'as they had paſſed the Great Seal, the King now willed 'and granted, That they ſhould be ſo obſerved, and 'that all theſe Things ſhould be entered upon the Par-'liament-Roll, and ſent to the Chancery to be enrolled 'there, and from thence to both Benches, to be like-'wiſe enrolled in them [k].'

At this Parliament alſo the *Deſpenſers*, Father and Son, came firſt upon the Stage; *Hugh Deſpenſer* the younger, being, by Conſent of this Aſſembly, made the King's

[k] Dated at *York*, the 22d Day of *October*, *An. Reg.* 12. *Fœd. Angl.* Tom. III. P. 733, 734.

King's Chamberlain. Sir *Thomas de la More*, the Contemporary Hiſtorian of this King's Reign, writes, That he was put upon the King becauſe they knew he hated him. But the young Man ſoon played his Cards ſo well that he quickly changed the King's Mind towards him, and became as great a Favourite as *Gaveſton*; for which he was perſecuted with equal Fury by the Ordainers. K. *Edward* II. [159]

We have not met with any Parliamentary Aids given by the Clergy for ſome Time; but, at a Prorogation of this laſt Parliament to meet again after *Eaſter*, an Aid was demanded of that Body: They excuſed themſelves from granting any, without the Pope's Licence; but allowed that a Meſſenger ſhould be ſent to *Rome*, at the King's Expence, for that Purpoſe. At his Return he brought a Licence from his Holineſs, that the Clergy ſhould grant a Tenth for one Year, which was done accordingly [l].

Another Confederacy of the Barons now ſtarted up againſt the *Deſpenſers*, Father and Son, whoſe Lands and Lordſhips they burnt and deſtroyed all over *England*. *Thomas* Earl of *Lancaſter* was alſo at the Head of this League; and they had bound themſelves by certain written Inſtruments, or Indentures, to purſue both Father and Son to Deſtruction [m]. After many lawleſs Devaſtations, in which the Innocent were involved with the Guilty, they marched to *St. Alban's*, from whence they ſent five Biſhops [n] to the King, 'To demand, in their 'Names, that the two *Deſpenſers*, *Hugh* and *Hugh*, as 'Traitors, ſhould be baniſh'd from his Court and King-'dom.' The King anſwered the Meſſengers mildly, 'That *Hugh* the Father was beyond Sea in his Service, 'and *Hugh* the Son was at Sea, for the guarding the '*Cinque-Ports*, according to his Duty; and that ac-

The Barons demand that the *Deſpenſers* be delivered up to them.

[l] The Writ to the Archbiſhop of *Canterbury*, &c. for collecting this Subſidy, is in the *Public Acts*; in the ſame Writ is mentioned an Aid from the Commons of an eighteenth Part, and a Twelfth from the Cities and Boroughs in the King's Demeſnes. *Fœd. Ang.* Tom. III. p. 787. Dated at *York*, *July* 20, *Anno Regni* 13.

[m] See the Indentures at large, with the Names of the principal Confederate Lords, in *Brady* and *Tyrrel*, under the Year 1320. Alſo in *Fœd. Ang.* Tom. III. p. 868, 923.

[n] The Biſhops of *London*, *Saliſbury*, *Ely*, *Hereford*, and *Chicheſter*, who were come to the Confederate Barons at *St. Alban's*, to procure an Accommodation. *Walſingham*, p. 114.

K. *Edward* II. ‘cording to Right and Cuſtom they ought not to be ‘baniſhed without anſwering for themſelves.’

[160] This Anſwer, tho’ it ſeemed ſo fair and reaſonable, ſays *Tyrrel*, yet did but the more enrage the angry Barons; who, taking up Arms again, marched directly for *London*, where the King then was, and where, in order to ſettle theſe Differences and Diſorders, he had called another Parliament to meet, *July* 15, 1321.

Anno Regni 14. 1321. This Parliament met at *Weſtminſter* on the Day appointed; but the diſcontented Lords, tho’ they were ſo near, came not according to the Summons, but remained

At *Weſtminſter*. in *London*, in an armed Poſture, in direct Defiance of the King and Laws, for fifteen Days after the Parliament was begun, without once appearing at it °. They held Councils however by themſelves, and, without ever conſulting the King about it, drew up a Sentence, or Judgment, againſt the two *Deſpenſers*, and brought it down to *Weſtminſter*, with Force of Arms, which, the King being in no wiſe able to oppoſe, they got paſſed into a Law, and inrolled accordingly. This Sentence, or Statute, being in the Line of our Hiſtory, muſt find a Place, tranſlated from the old *French*, as follows:

‘To the Honour of God and Holy Church, and of ‘our Lord the King, for the Profit of him and his ‘Realm, and to maintain Peace amongſt his People, and ‘the Eſtate of the Crown, the Prelates, Earls, Barons, ‘and other Peers and Commons of the Realm, do ſhew ‘againſt Sir *Hugh Deſpenſer*, Father and Son, That ‘whereas Sir *Hugh* the Son, at the Parliament held at ‘*York*, was appointed to be Chamberlain to the King, ‘in which Parliament it was agreed, That certain Pre- ‘lates and other Great Men ſhould be with the King ‘by Turns, at ſeveral Seaſons of the Year, the better ‘to adviſe him, without whom no great Buſineſs ought

[161] ‘to be done; now the ſaid Sir *Hugh* the Son, drawing ‘to

° In order to keep Peace in the City at this Time, the Mayor cauſed daily a Thouſand Men, well armed, to watch in the ſeveral Wards and at the Gates of the City, which began at Four o’Clock in the Morning, and ſo continued till Six at Night. They were then relieved by the like Number for the Night Watch. Two Aldermen rode nightly about the City, attended with a Number of Officers, to ſee the Watch well kept. The Gates were ſhut at Nine o’Clock and opened at Seven; and every Citizen was ordered to have his Harneſs ready on the leaſt Warning. *Fabian*’s *Chron.*

'to him his Father, who was not by Order of Parlia- K. *Edward* II.
'ment to be near the King, or to be one of thoſe Coun-
'ſellors, between them both have uſurped Royal Power
'over the King and his Miniſters, and the Government
'of the Kingdom, to the Diſhonour of the King, the
'Injury of the Crown, and the Deſtruction of the King-
'dom, Great Men, and People, and have done the
'Wickedneſſes underwritten, in contriving to turn the
'Heart of the King from the Peers of the Land, that ſo
'they (the *Deſpenſers*) may have the ſole Government
'thereof.

'That Sir *Hugh* the Son made a Bill, or Writing,
'whereby he would have had Sir *John Gifford* of *Brim-*
'*mesfield*, Sir *Richard de Greye*, and others, enter into a
'Confederacy, to have forced the King to do what he
'would have him, and had almoſt done it; the Tenor
'of which Bill is underwritten.

I. 'Homage and the Oath of Allegiance is more due, Articles againſt
'by reaſon of the Crown, than of the Perſon of the the *Deſpenſers*.
'King, and is more tied or fixed to the Crown, than
'to the Perſon: And this appears; for that before the
'State of the Crown deſcends, there is no Allegiance due
'to the Perſon expectant; wherefore, if the King does
'not govern himſelf by Reaſon, according to the Right
'or Law of the Crown, his Lieges are then bound by
'their Oath taken to the Crown, to remove the King,
'and to take Care of the State of the Crown, by a due
'Adminiſtration; for otherwiſe that Oath could not be
'obſerved. Now if it be demanded, how the King is
'to be dealt with, whether by Suit of Law, or by Ri-
'gour? Not by the former; for no Man can be redreſ-
'ſed that Way, becauſe he can have no Judge, unleſs
'it be from the King himſelf; in which Caſe, if the
'King will not be guided according to Reaſon, he will
'then be obſtinate in his Error: Wherefore he ought
'to keep his Oath, and when the King will not relieve
'him, but is outragious, and will do that which is in-
'jurious to his People in general, and withal is preju-
'dicial to his Crown, then is it Time for them to pro-
'ceed againſt him with Rigour; for he is bound by his
'Oath to govern his People and his Lieges; and they [162]
'are bound to govern in Aid of him, in caſe of his De-
'fault.

K. *Edward* II.

II. 'Upon any Application of the Great Men and 'People unto him, the King's Anſwer ſtill was accord-'ing to the Pleaſure of theſe two, in turning the King 'from his Duty againſt his Oath, and the Hearts of the 'Great Men and People againſt their Liege Lord.

III. 'By their evil Contrivance, they would not ſuf-'fer the Great Men of the Realm, nor good Counſellors 'to ſpeak with, or come near the King to adviſe him, 'nor the King to ſpeak with them, unleſs in their Pre-'ſence, or in the Hearing of one of them; and that too 'but when they pleaſed: Thus uſurping Royal Power 'and Sovereignty over the Perſon of the King, to the 'great Diſhonour and Peril of him, his Crown, and 'Kingdom.

IV. 'To attain their Wickedneſs, Covetouſneſs, and 'to the diſinheriting of the Great Men, and the De-'ſtruction of the People, they had put out good and 'agreeable Miniſters who had been placed by Aſſent, 'and put in others falſe and wicked, that were of their 'own Party, who would not ſuffer Right to be done; 'as Sheriffs, Eſcheators, Conſtables of Caſtles; and 'made thoſe Juſtices, who underſtood not the Law, as 'Sir *Hugh* the Father, Sir *Ralph Baſſet*, Sir *Ralph Ca-'mois*, and Sir *John Inge*, and divers others their Friends, 'who cauſed, by falſe Jurors of their Alliance, the 'Peers of the Land to be indicted; as the Earl of *He-'reford*, the Lord *Gifford* of *Brimmesfield*, the Lord 'Robert *de Monthalt*, and other good People, to get 'their Lands from them.

V. 'They falſly and maliciouſly adviſed the King to 'raiſe Arms againſt his People in *Glouceſterſhire*, con-'trary to the Great Charter, and the Award of the Peers 'of the Land; and, by their falſe and evil Counſel, would 'have made War in the Land, for their own proper 'Quarrel, to the Deſtruction of Holy Church and the 'People.

VI. 'Whereas the Earl of *Hereford*, and the Lord 'Mortimer of *Wigmore*, by the King's Command, were 'aſſigned to make War upon *Lewellyn Bren*, who had [163] 'levied War againſt him in *Glamorganſhire*, when the 'Earl of *Glouceſter*'s Lands, by reaſon of his Death, were 'in the King's Hands; this *Lewellyn* had rendered him-'ſelf into thoſe Lords Hands, to the King's Grace and 'Pleaſure,

'Pleasure, and upon that Condition was delivered to the 'King, who received him accordingly; but when these 'Lords were out of the Country, these two Sir *Hughs*, 'the Father and Son, usurping Royal Power, took '*Lewellyn*, and carried him to *Caerdiff*. After which, 'Sir *Hugh* the younger being seized thereof, and pre- 'tending to a Jurisdiction where none was in this Case, 'there caused the said *Lewellyn* to be drawn, hanged, 'beheaded, and quartered, seloniously, for Things done 'in the Time of King *Henry*; and they also took upon 'them Royal Power and Jurisdiction, which was ap- 'pendant to the Crown, in Disherison thereof, and to 'the Dishonour of the King, the said Lords of *Here-* 'ford and *Mortimer*, and in ill Example and great Peril 'in the like Case for Time to come. K. *Edward* II.

VII. 'They ill advised the King, to take into his 'Hands the Lands and Goods of Sir *Hugh Audley* the 'Son, who was fore-judged without due Process, con- 'trary to the Law of the Land, by the Covetousness of 'the said *Hugh* to get some of those Lands; and, by other 'false Pretences, contrived to get the Lands of Sir *Roger* '*Dammory*, having attainted him upon his entering in- 'to *Glouceſterſhire*, to the Disheritance of the Peers of 'the Land.

VIII. 'That whereas the King had granted by his 'Letters Patent to the Earl of *Warwick*, in full Parlia- 'ment at *Weſtminſter*, that, after his Death, his Execu- 'tors should have his Lands, untill his Heir was of full 'Age; which Grant, after the Earl's Death, was con- 'firmed by the King at *Lincoln*, at the Request and 'Assent of the Peers of the Land in Parliament: Yet 'the said Sir *Hugh* the Father procured his Son to cause 'the King to repeal this Grant, without Cause; and to 'give the Guardianship of the said Lands to the said '*Hugh* the Father, for his own Profit; and also had 'defeated, by evil Counsel, what the King had granted in 'his Parliaments, by good Advice, and by Assent of the 'Peers of the Land; to the Dishonour of the King, and [164] 'against Right and Reason.

IX. 'That they would not suffer the King to take 'reasonable Fines of the Peers of the Land, and others, 'when they entered upon, and received their Fees, as it 'had been used before that Time; but, by Covetousness

K. *Edward* II. ‘ to obtain such Lands by the Royal Power, they had
‘ caused undue Impeachments to be brought, surmising
‘ the Land to be forfeited, as were those of Sir *John*
‘ *de Mowbray* and others, to the Damage and Dishonour
‘ of the King, and contrary to the Law of the Land, in
‘ Disheritance of the Great Men and others; and also
‘ making the King do against his Oath in Parliament.

X. ‘ By wicked Covetousness, and ingrossing of Power-
‘ Royal, they would not suffer the King to hear or do
‘ Right to the Great Men, upon what they presented to
‘ him, on Behalf of himself and themselves, touching
‘ the Disheriting the Crown and them, concerning the
‘ Lands which were the *Templars*: Also, by usurping
‘ Power-Royal, they governed the King, his Council,
‘ and Prelates; so that, in Matters concerning them
‘ and their Friends or which they undertook, no Right
‘ could be obtained, but according to their Pleasures; to
‘ the Damage and Dishonour of the King, the Peril of
‘ his Oath, and Disheritance and Destruction of the
‘ People of his Realm.

XI. ‘ Bishops, Abbots, and Priors Elect, who ought
‘ to be received of the King, when duly elected, could
‘ not come near him, nor speak with him to obtain his
‘ Favour, until they had agreed and made Fine with
‘ Sir *Hugh* the Son, according to his Pleasure; nor those
‘ that had any Grant to ask of the King, could obtain
‘ it, before they had made their Agreement or Fine
‘ with him.

‘ Which Wickednesses being notorious and true, as it
‘ is found by the Examination of the Earls, Barons, and
‘ other People of the Land; *Therefore we the Peers of the*
The Award in Pursuance thereof. ‘ *Land, Earls and Barons, in the Presence of our Lord*
‘ *the King, do award, That* Hugh le Despenser *the Son,*
‘ *and* Hugh le Despenser *the Father, shall be disherited for*
‘ *ever, as Disheritors of the Crown, and Enemies to the*
[165] ‘ *King and his People; and shall be banished the Kingdom*
‘ *of* England, *never to return again, unless it be by the*
‘ *Assent of the King, and by Assent of the Prelates, Earls,*
‘ *and Barons in Parliament duly summoned*; and to quit
‘ the Realm between the Time of the Date of this Sta-
‘ tute and the Feast of the Decollation of St. *John Bap-*
‘ *tist* (or nine-and-twentieth of *August*) next coming;
‘ and if found in *England* after the Day, or if they return

‘ after

'after that Day, then to be dealt with as Enemies of K. *Edward* II.
'the King and Kingdom.'

This, in the printed Copy of *Old Statutes*, is called the Baniſhment of *Hugh Deſpenſer*, Father and Son. Yet it is remarkable that theſe Articles were admitted and taken for granted, without any direct Proof, as the Manner then was to proceed in Parliament.

After this Sentence was publickly read and agreed to, the Confederate Lords had yet another Game to play, which the ſame Force would eaſily carry them through. They bethought themſelves that it was neceſſary to have ſome Security for what they had done; and, in order to it, they addreſſed a Kind of Petition, or rather a Remonſtrance, to the King, ſetting forth, 'That the two '*Deſpenſers*, uſurping Royal Power, and having the 'King and his Miniſters, and the Direction of the Law, 'at their Devotion, or in their Power, the Great Men 'of the Land made a Confederacy by Oath, Writing, 'and in other Manner, without the King's Leave; and 'then they and others, with Horſe and Arms [p], had 'march'd againſt them, and took and ſeiz'd divers Caſtles, 'Towns, Manors, Lands, Tenements, Goods, and 'Chattels of the King's Liege Subjects; and ſome of 'them they took and impriſoned, and others they ran'ſomed, and ſome they killed, and did many other 'Things, in deſtroying the ſaid *Hugh* and *Hugh*, and 'their Allies and others in *England*, *Wales*, and the '*Marches*, of which ſome may be called *Felonies*; which 'Things having been ſo done by Neceſſity, ought not [166] 'to be taken Notice of, nor puniſhed by Law; nor can 'be without great Trouble or Hazard of War. The 'Barons therefore pray the King, for Peace-Sake, for 'the aſſuaging of Anger and Rancour, and making 'Unity in the Land; and that he may more intirely 'have the Hearts and Good-Will of his People, to de'fend his own Countries, and offend his Enemies; that 'it might be accorded, and aſſented to in full Parlia'ment, by the King, Prelates, Earls, Barons, and Com'mons; that no Great Men of the Realm, Prelate, 'Earl, Baron, Knight, Clerk, or Eſquire, for the Con-

federacy

p The Confederate Lords came to this Parliament, they and their Retinue, clad in odd Party-coloured Habits, Yellow and Green, with a white Band a-croſs their Breaſts; for which Reaſon this Parliament was called long after, *The Parliament of White Bands*. *Fabian*'s and *Holling. Chron.*

K. *Edward* II. ‘ federacy made by Oath, Writing, or in other Manner;
‘ or for riding with the King's or other Banners display'd;
‘ nor for the taking or detaining of any Caſtles, Towns,
‘ Manors, Lands, Tenements, Goods, or Chattels;
‘ the ſeizing, impriſoning, and ranſoming the King's
‘ Liege People; or for killing of Men, and other Rob-
‘ beries, Felonies, or other Things done againſt the
‘ King's Peace, which may be judged Treſpaſſes or Fe-
‘ lonies, from the Beginning of the World to that Day;
‘ nor that any People, of what Condition ſoever they
‘ were, for the Treſpaſſes and Felonies aforeſaid, com-
‘ mitted ſince *Candlemas* laſt paſt, to that Day, ſhould
‘ be impeached, grieved, or moleſted at the Suit of the
‘ King, or any other: But of all ſuch Things, by this
‘ Statute and Accord, ſhould be quit for ever; ſaving to
‘ every one, except the ſaid *Hugh* and *Hugh*, their Right
‘ to demand and recover their Frank-Tenement and
‘ their Right, without Puniſhment from the King, or
‘ giving Damages to the Party. And alſo that it might
‘ be granted by the King in the ſaid Parliament, That
‘ if any Earl, Baron, or any Great Men, for themſelves
‘ or others, whom they ſhall name to the Chancellor
‘ between this and St. *Michael* next coming, will have
‘ the King's Pardon for Suit of Proceſs of the Peace, or
‘ what pertains to him, of all Manner of Felonies and
‘ Treſpaſſes done contrary to the Peace; or of any Diſ-
‘ obediences, Contempts, Conſpiracies, Confederations,
‘ Privy Covenants, and Obligations made againſt the
‘ King, they ſhall have their ſeveral Charters of Pardon,
‘ under the Great Seal, without paying any Fees in the
[167] ‘ Chancery: And that all ſuch Writings to the contrary,
‘ wherever found, ſhall be null and void.’

After this follows the Form of the Charter of Pardon that was taken out by the Earl of *Hereford* [n] and the reſt of the Barons and Great Men, who had been Confederates in this violent Undertaking. It bears Date at *Weſtminſter* the 20th of *Auguſt*, in the 15th Year of this Reign.

When all theſe Things were tranſacted in Parliament, and the Confederate Barons had got their Charters of Pardons in their Pockets, they broke up and returned home.

[n] *Humphry de Bohun.*

home [o]. Yet, upon better Conſideration, they were not mighty well ſatisfied with what they had done; and fearing that they had provoked the King beyond all Poſſibility of a thorough Reconciliation, they kept always arm'd, and never truſted themſelves but in ſecure Places; *which*, ſays *Tyrrel*, *are the uſual Conſequences of unjuſt and violent Actions*. But, not long after, there happened an Accident which proved of fatal Conſequence to the Barons' Party, and gave the King an Opportunity to recall the *Deſpenſers*, the elder of whom continued ſtill abroad; but the younger lay for ſome Time concealed in *England*, yet afterwards went to Sea and turned Pirate, robbing whatever *Engliſh* Merchants he could meet with.——The Affair was thus: K. *Edward* II.

Queen *Iſabel*, whom all Authors allow to be the chief Promoter of Peace and good Harmony between the King and his Barons, intended to make a Progreſs to *Canterbury*; and in her Journey thither purpoſed to lodge at *Ledes* Caſtle, in *Kent*, over which *Bartholomew de Badleſmore* had, by the King, been made Governor [p]. This Man was a rich and potent Baron, and one of the Confederacy; and when the Queen's Marſhal came to [168] the Caſtle to provide Lodgings for her, he was flatly denied Admittance, with this ſaucy Anſwer, 'That they 'would not ſuffer the Queen, or any other, to enter there 'without Command, or Letter, from the Lord of it.' She after came herſelf and demanded Entrance into the Caſtle, and was ſtill denied, by which ſhe was forced to ſeek Lodgings elſewhere. At her Return to the King ſhe complained to him of the Affront offered to her; which moved him to a great Degree, inſomuch that he raiſed Forces immediately, went down to *Ledes* Caſtle, beſieged and took it, and hang'd up the Deputy-Governor of it, with many of the Garriſon, upon the Spot.

This Digreſſion is thought neceſſary, to give our Readers a View of the Riſe of the inteſtine Troubles which

[o] This is the only Parliament which *Ryley* has given the Proceedings of in this King's Reign. Here are a great many Petitions on private Affairs, and the Petitioners were obliged to deliver them to Commiſſioners appointed for that Purpoſe. *Ryley*'s *Placita Parliamentaria*, p. 386, *&c.*

[p] He had been a long Time Steward of the King's Houſhold, and, for his Services, the King gave him this Caſtle in Fee; and he had been ſent by the King to the Barons, to deſire they would deſiſt from their outragious Proceedings againſt the *Deſpenſers*, whom he baſely deſerted and joined with the Barons. *Idem.*

K. *Edward* II. which followed. The Barons, being provoked at this Step of the King's, resolved to revenge it, which the King was as ready to vindicate: And then followed the Civil Wars between them, which all our Historians have sufficiently described, and are foreign to our Purpose. The Earl of *Lancaster* was taken Prisoner at the Battle of *Boroughbridge*, brought before the King and several of the Nobility at his own Castle of *Pontfrete*; when Articles of High Treason, for divers heinous Crimes, were exhibited against him [q], and he adjudged, by those Peers, to die the Death of a Traitor. The King, by reason of Proximity in Blood, remitted the drawing and hanging, and he was beheaded on a Hill near *Pontfrete*, *March* 25, 1322 [r]. With this Earl fell many of the Confederate Barons, taken at the same Time, who were executed in several Parts of the Kingdom; amongst whom was *Bartholomew de Badlesmore*, the Author of all this Mischief.

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Anno Regni 15. 1322. The King being at *Derby*, just before the Defeat of the Barons' Army, issued his Summons for a Parliament, dated from the same Place, *March* 14, in the 15th Year of his Reign, to be holden at *York* [s]. They met in that City, according to Summons, three Weeks after *Easter*; when, upon the Petitions of the *Despensers*, Father and Son,

At *York*.

[q] See the Articles at Length in *Tyrrel*, p. 289, &c. *Fœd. Ang.* Tom. III. p. 936.

[r] They caused him first to turn his Face towards *Scotland*, for the greater Odium, whilst a Villain of *London* cut off his Head. *Leland.* Itin. *Ed. Hearne.*

His Attainder was revoked in Parliament in the succeeding Reign, on the Petition of *Henry* Earl of *Lancaster*, his Brother and Heir. The Hill on the North-East Side of the old Town of *Pontfrete* is called *St. Thomas's Hill* at this Day. His Body was buried in the Priory Church there, which is now the old decayed Parish-Church, on the Right Hand of the High Altar, and many Miracles were reported to be done at his Tomb. Dr. *Brady* has printed an old Legend of them. Mr. *Tyrrel* bestows a whole Page on the Truth of these Miracles, and concludes thus, 'I have no more to say 'concerning the intended Sainting of this great Nobleman, but that the 'People of *England*, when excited by the Monks, have been very prone to 'count those for Saints whom they supposed *laid down their Lives in the 'Defence of the Liberties of the Church and Nation*; as appears by the Hymns 'and Prayers that were addressed to *Simon Montfort*, Earl of *Leicester*, men-'tioned in the Reign of *Henry* III.'

[s] The King's Writ to the Earl of *Arundele*, Chief Justice of *Wales*, commanding him to send 24 Members from *South-Wales*, and as many from *North-Wales*, to this Parliament at *York*, is in *Ryley*'s *Plac. Parl. App.* p. 570.

Son, to the King, the Proceſs and Judgment againſt them, for their Diſheritance and Exile, were brought into Parliament; and, upon ſhewing divers Errors in them [t], were revoked and made null. All which Proceſs and the Statute made thereupon, being ſtill on the Rolls in the Tower, are tranſlated at large by Dr. *Brady*, 'Becauſe, ſays he, they contain ſome of the 'Hiſtory and much of the Practice and Manner of Great 'Men's living in thoſe Days.' As we have given the Articles exhibited againſt the *Deſpenſers*, it would be inconſiſtent with the Impartiality we profeſs, to omit the Statute for revoking their Sentence of Baniſhment; ſince it may juſtly ſtand as a Summary of the Defence they were not allowed to make at the Time of their Accuſation. K. *Edward* II.

This Statute of Revocation firſt relates to *Hugh* the Son, and begins with the Recital of the Sentence or Award made at a Parliament, held three Weeks after *Midſummer* laſt paſt, againſt the ſaid *Deſpenſers*, Father and Son; as alſo a Petition which the Son had ſome Time before given to the King, ſhewing, 'That while 'he was in his Service, as his Chamberlain, the Lords '*Mortimers*, Uncle and Nephew, with divers Barons 'there named, made a Confederacy by Oath and Wri- 'ting, to purſue and deſtroy him: By virtue of which 'they, with their Retinues, conſiſting of 800 Men at 'Arms, 500 Hoblers, or Light Horſe, and 10,000 Foot, 'came to *Newport*, in *Wales*, and from thence marched 'forwards to take his Towns and Caſtles; and entering 'upon his Lands, they killed Part of his Tenants, or 'People, ſome of which were Knights, therein named, 'beſides others of the ſame Degree, who were made 'Priſoners; and they took and carried away his Goods 'and Chattels. Then it proceeds to recount every 'Thing in particular; as how much Proviſions of all 'Sorts, what Horſes, Armour, and other Things, were 'loſt; as alſo how many Oxen, Cows, and Sheep, to 'a vaſt Quantity, they then plunder'd and carried away; 'together with the Loſs of his Charters, Writings, and 'ready Money; as alſo the burning his Granges, de- 'ſtroying

The Petition of the two *Deſpenſers* againſt the ſaid Award.

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t One Reaſon aſſigned for the reverſing them was, that none of the Biſhops aſſented to the Award of Baniſhment; but entered into a Proteſtation againſt it. *Collier's Eccleſ. Hiſt.* p. 526. From clauſ. 15 *Edw.* II, m. 14. dorſo.

K. *Edward* II. ‘ ſtroying his Crop upon the Ground, ſeizing of his ‘ Rents and Debts, and diſparking his Parks; all which ‘ Damages, as appeared by caſting up the Particulars ‘ therein mentioned, amounted to the Sum of near ‘ 20,000*l.*

Then it further recites, ‘ That they, the ſaid Earls ‘ and Barons, with all their Force and Power, came to ‘ the Parliament at *Weſtminſter*; and there, upon falſe ‘ Accuſations, without calling the ſaid *Hugh* to anſwer, ‘ againſt all Manner of Right and Reaſon, and againſt ‘ the Law of the Land, erroneouſly awarded him to be ‘ diſinherited, and exiled *England*: Wherefore he prays ‘ the King, as he is bound by Right of his Crown, and ‘ by the Oath he made at his Coronation to maintain ‘ all People in their Rights, that he would pleaſe to ‘ cauſe to be brought before him the Proceſs of the ‘ Award made againſt him, that it may be examined; ‘ and that the ſaid *Hugh* may be admitted to ſhew the ‘ Errors in it, and if there ſhall be any found, he would ‘ pleaſe to repeal and redreſs them; with a Proteſtation ‘ that he will be hereafter ready to anſwer any Com- ‘ plaint according to Reaſon.’

Next it proceeds to ſhew the Errors of the ſaid Proceſs, as,

I. ‘ That the Great Men who purſued and deſtroy’d ‘ him, prayed Pardon of the King for all thoſe Things ‘ which might be judged Felonies or Treſpaſſes in that [171] ‘ Purſuit, which they made by their own Authority; by ‘ which they wrongfully made themſelves Judges of him, ‘ where they could not, nor ought to be Judges.

II. ‘ That the ſaid *Hugh* was not called into Court, ‘ to anſwer when the Award was made; alſo, that the ‘ Sentence was given without the Aſſent of the Prelates, ‘ who were Peers in Parliament.

III. ‘ That there was no Record of their Purſuit, or ‘ the Cauſes contained in the Award; alſo, that the ‘ Award was made againſt the Form of the Great Char- ‘ ter; wherein is contained, *That no Man ſhall be fore-* ‘ *judged, nor in other Manner deſtroyed, unleſs by Judg-* ‘ *ment of his Peers, or by the Law of the Land.*

Then he requeſts the King to take Notice, ‘ That ‘ the Great Men were ſummoned to come duly to the ‘ Par-

'Parliament, yet did not; but came with Horſe and 'Arms, and all their Force: After which he the ſaid 'Hugh came in, and ſurrendered himſelf Priſoner to the 'King, praying to be received into his Protection, to 'proſecute his Complaint, and that Right might be done 'him in theſe Matters: That the King received him as 'he ought to do; and cauſed his Petition to be carried 'to the Archbiſhop of *Canterbury*, the Biſhops, and 'other Prelates and Clergy in the Province of *Canterbury*, 'then being in a Provincial Council at *London*, charging 'them by the Faith they owed to him, to adviſe about 'the Petition, and let him know their Thoughts con-'cerning it. And when they had well adviſed thereup-'on, they anſwered, That it ſeemed to them, that the 'Proceſs and Award of the Exile and Diſinheritance of 'Hugh the Son and Father, were erroneous and wrong-'fully made; wherefore they agreed, and unanimouſly 'aſſented, as Peers of the Land, and prayed as Peers 'Spiritual, that the Award which was made wickedly 'and wrongfully againſt God and all Manner of Right, 'might be by the King repealed and annulled for ever. 'And they ſaid further, That they, nor any of them, 'ever aſſented to the ſaid Award: But that every one 'of them, at the Time when the Award was made, did 'make Proteſtation in Writing, that they could not, 'nor would, aſſent to it for ſeveral Reaſons. And the 'Earl of *Kent*, the ſaid King's Brother, the Earls of [172] 'Richmond, Pembroke, and Arundele, with the Prelates, 'being before the King, ſaid the Award was wrongful, 'and againſt Law and Right; and prayed him, as the Pre-'lates had done before, to null and make void the Award: 'And the ſaid Earls affirmed, That, for Fear of the Force, 'which the Great Men ſuddenly brought to the Parlia-'ment, in order to make the Award, which was to 'them unknown and unexpected, they gave their Aſſent 'to it, and alſo adviſed the King to ſuffer it to paſs; 'for which Offence and Miſtake they prayed his Par-'don.' K. *Edward* II.

We have been the more particular in the Recital of theſe Proceedings mention'd in this Statute, becauſe they do not only ſerve to confirm what our Hiſtorians have related concerning theſe Matters; but may alſo inform ſuch as are curious in the antient Proceedings of Parliament,

K. *Edward* II. ment, as to what was then looked upon sufficient to render any Process begun there erroneous.

Then immediately follows, in the same Record, a like Petition deliver'd in Parliament by *Hugh le Despenser* the Father, being to the same Effect with that of his Son's; setting forth, 'That the same Great Men before named, 'and other Adherents and Confederates, with Force and 'Arms, on the Day of St. *Barnaby*, in the fourteenth 'Year of the King, came to his Manor of *Fastern*, in '*Wiltshire*, and twelve others in that Shire, and in other 'Counties, *viz.* Six in the County of *Gloucester*, four in '*Dorsetshire*, five in *Hampshire*, two in *Berkshire*, six 'in *Oxfordshire*, three in *Buckinghamshire*, four in *Sur-*'*rey*, one in *Cambridgeshire*, two in *Huntingdonshire*, 'five in *Leicestershire*, one in *Yorkshire*, one in *Lincoln-*'*shire*, five in *Cheshire*, and five in *Warwickshire*; in all 'Sixty-three Manors there named;' [which shews the vast Estates the two Lords *Despensers* had in those Days]. But as for the Destruction and Havock the Barons made upon the Lands of *Hugh* the Father, they were much to the same Effect with those that were done to the Son, only greater; as 'the driving away of '28,000 Sheep, 22,000 Oxen, Heifers, and Cows, be-
[173] 'sides the spoiling of two Crops, one in the Barn, and 'the other upon the Ground; the taking away above '600 Horses and Mares, besides a vast Quantity of Pro-'visions of all Sorts, and Armour for 200 Men; and 'the Destruction of his Houses and Goods to the Value 'of above 30.000 *l.* as also the taking away out of the 'King's Castle at *Marlborough*, 36 Sacks of Wool, a 'Chalice and Cross of Gold, divers rich Vestments and 'other Ornaments belonging to the Chapel; besides 'other Goods and Furniture, to the Damage of 5000 *l.* 'more.'

This may suffice to give the Reader a true Notion of the great Power and Riches of the *English* Barons in those Days, as also of their antient Manner of Living, and the Reasons why they were then able to keep such great Hospitality, since they manag'd their Estates or Demesnes by the Stewards or Bailiffs of their Manors, who sold or spent the Live-Stock and Husbandry upon them, as was most for their Lords Advantage; there being then few or no Farmers or Husbandmen able to take Leases

Leaſes of Lands for Years, much leſs at a Rack-Rent, paying a yearly Sum of Money for them, as is practiſed at this Day. K. *Edward* II.

Then, excepting the Difference of the Loſſes ſet forth in the Father's Petition, being of much greater Value than thoſe of the Son's, the Concluſion of it is alike Word for Word; and the ſame Errors are aſſign'd as in the former Proceſs or Award, with a like Recital of *Hugh* the Father's rendering himſelf Priſoner to the King, and being alſo received into his Protection.

Next follows the King's Judgment in this Form,

'We afterwards, at our Parliament held at *York* three 'Weeks after *Eaſter*, in the fifteenth Year of our Reign, 'cauſed to come before us the Proceſs of the Award; as 'alſo the Petition of the ſaid *Hugh* the Son, and *Hugh* 'the Father, in theſe Words; To the Honour of God, 'and Holy Church, *&c.* At which Parliament at *York*, 'the ſaid *Hugh* the Son, and *Hugh* the Father being 'brought before us in Court, proſecuted their Com-'plaints, and prayed us to do them Right; when the 'ſaid *Hugh* the Son, for himſelf, alledged the Errors in [174] 'the Proceſs, as aforeſaid; and alſo *Hugh* the Father 'alledged the ſame Errors, and prayed ſeverally and 'jointly, that as the Award was made erroneouſly and 'wrongfully, againſt the Laws and Uſages of the Realm, 'and againſt Common Right and Reaſon, that we would 'annul and defeat the ſaid Award, and that they, the 'Complainants, might be remitted and reconciled to 'our Faith, and to ſuch Eſtate as they had, and were 'in, before the Awards. And hereupon hearing the 'Reaſons of the ſaid *Hugh* and *Hugh*, we cauſed the 'Proceſs to be examined in full Parliament, in the Pre-'ſence of the Prelates, Earls, Barons, Knights of 'Counties, and the People that were come by Reaſon 'of the Parliament; and we found the ſaid Award was 'made without calling them to anſwer, and without the 'Aſſent of the Prelates, who are Peers of the Realm in 'Parliament, and againſt the Great Charter of the 'Franchiſes in *England*; which ſays, *No Freeman ſhall 'be baniſhed, or otherwiſe deſtroyed, but by lawful Judg-'ment of his Peers, or the Law of the Land*; and for 'that they were not called in Court, to make Anſwer, '*&c.* for theſe Errors, and for that the Cauſes of the ſaid

The Proceſs and Award againſt them revok'd by the King in Parliament.

K. *Edward* II. ‘ ſaid Award were not duly proved: As alſo having Re-
‘ gard to this, that we cauſed the Parliament at *Weſt-*
‘ *minſter* to be ſummoned in due Manner, and com-
‘ manded by our Writs the ſaid Great Men, who made
‘ the ſaid Award, not to make Aſſemblies and Alliances,
‘ or come with armed Men, yet they came with all their
‘ Force to that Parliament, notwithſtanding our Com-
‘ mand; and when they came to *London* in that Manner,
‘ they held their Councils and Aſſemblies without coming
‘ to us at *Weſtminſter* according to Summons; and when
‘ we ſent to them to come to the Parliament at *Weſtmin-*
‘ *ſter*, as they ought, they would not come, nor let us
‘ know their Mind, nor the Cauſe of the Award, tho' we
‘ had begun and held the Parliament for fifteen Days and
‘ more, and cauſed to come before us the Prelates, and
‘ ſome Earls and Barons, Knights of Counties, and others,
‘ who came for the Commons of the Realm; and cauſed
‘ it to be publiſhed, that thoſe that had Petitions to pro-
[175] ‘ mote, ſhould deliver them: And, after Proclamation
‘ thus made, no Petition was delivered, or Complaint
‘ made againſt the ſaid *Hugh* and *Hugh*, untill they,
‘ the Barons, came as aforeſaid; and the Contrivance of
‘ the ſaid Award they wholly conceal'd and kept from
‘ us, unto the very Hour they came to *Weſtminſter*, with
‘ Force and Arms, and made their Award againſt Rea-
‘ ſon, as a Thing treated and agreed on amongſt them-
‘ ſelves, by their own Authority, in our Abſence; en-
‘ croaching upon the Regal Power, Juriſdiction and
‘ Connuſance, and Judgment of thoſe Things which be-
‘ long to our Royal Dignity: Wherefore we could not
‘ at that Time ſtop the ſaid Award, nor do Right to the
‘ ſaid *Hugh* and *Hugh*, as it belonged to us. And further
‘ taking Notice, that thoſe Great Men, after the Award
‘ made, prayed our Pardon and Releaſe for confedera-
‘ ting themſelves by Oath, Writing, or in other Manner,
‘ without our Leave; in purſuing the *Deſpenſers*, and
‘ marching with our Banners, and their own Enſigns
‘ diſplay'd; and taking and poſſeſſing Caſtles, Towns,
‘ Manors, Lands, Tenements, Goods, and Chattels;
‘ and alſo taking and impriſoning People of our Alle-
‘ giance, and others; ſome they wounded, and ſome
‘ they killed, and many other Things they did in order
‘ to deſtroy the ſaid *Hugh* and *Hugh*, in *England*, *Wales*,

and

'and other where; of which some might be called Tres- K. *Edward* II.
'passes, and others Felonies. Also it appear'd, that
'those Great Men were Enemies to, and hated them at
'the Time of the Award, and before; wherefore they
'ought not to be their Judges, in their own Prosecution
'of them, nor have Record upon the Causes of the said
'Award. And we are bound by Oath made at our
'Coronation, and obliged to do Right to all our Sub-
'jects, and to redress and cause to be amended all
'Wrongs done to them, when we are required, ac-
'cording to the Great Charter, by which *we are not to*
'*sell or delay Right and Justice to any one:* And, at the
'pressing Advice and Request of the Prelates, given us
'for the Safety of our Soul, and to avoid Danger, and
'to take away an evil Example for the Time to come,
'of such Undertakings and Judgments in the like Case,
'against Reason: Wherefore we seeing and knowing
'the said Process and Award, made in the Manner [176]
'aforesaid, to be as well to the Prejudice of us, the
'Blemish of our Crown and Royal Dignity, against us
'and our Heirs, as against the said *Hugh* and *Hugh*, and
'for other reasonable Causes; we, by our Royal Power,
'*in a full Parliament at* York, *by the Advice and Assent*
'*of the Prelates, Earls, and Barons, Knights of Counties,*
'*and Commons of the Realm, and others*, being at our
'Parliament at *York*, do wholly annul and defeat the said
'Award of the Exile and Disheritance of the said *Hugh*
'and *Hugh*, and all Things in the Award; and do fully
'remit and reconcile the said *Hugh* the Son, and *Hugh*
'the Father, to our Faith and Peace, and to the Estate
'they had and were in, before the making that Award
'in all Points. And we adjudge, that they have again
'Seisin of their Lands and Tenements, Goods and
'Chattels, *&c.* And we will and command, that
'wherever the said Award is inrolled in any of our
'Courts, it be cancell'd and annull'd for ever.'

Accordingly the Roll was cancelled, and remains so at this Day, with this Memorandum written under the said Award: 'These Things above-written are nulled 'and cancelled by the Force of the Award and Decree 'made in the Parliament at *York*, held three Weeks 'after *Easter*, in the 15th Year of the Reign of our Lord 'King *Edward*.' And the Roll thereof cancelled.

K. *Edward* II. In this Parliament alſo, at *York*, the Prelates, Earls, Barons, and the Commons of the Realm, there aſſembled by the King's Command, cauſed to be rehearſed and examined the Ordinances, dated the 5th of *October*, 5 *Edward* II. and for that, by Examination thereof, it was found in the ſaid Parliament, 'That by the Things 'which were formerly ordained, the King's Power was 'reſtrained in many Things contrary to what was due 'to his Seigniory Royal, and contrary to the State of the 'Crown; and alſo, *for that in Times paſt, by ſuch Ordi-* 'nances and Proviſions made by Subjects over the Power- 'Royal of the Anceſtors of our Lord the King, Troubles 'and Wars came upon the Realm, by which the Land or [177] 'Nation was in Danger; it was accorded and eſtabliſh'd 'in the ſaid Parliament by our Lord the King, the Pre- 'lates, Earls, Barons, and all the Commonalty of the 'Realm at that Parliament aſſembled, That all thoſe 'Things ordained by the former Ordainers, and con- 'tained in thoſe Ordinances, from thence forth, for the 'Time to come, ſhould ceaſe and loſe their Force and 'Effect for ever; and that, from thence forward, in no 'Time, no Manner of Ordinances or Proviſions made The Ordinances declared to be an Invaſion of the Prerogative Royal. 'by the Subjects of our Lord the King, or his Heirs, by 'any Power or Commiſſion whatever, over or upon the 'Power-Royal of our Lord the King, or his Heirs, or 'againſt the State of the Crown, ſhall be of any Value 'or Force; but all Things that ſhall be eſtabliſhed for 'the Eſtate of the King and his Heirs, and for the State 'of the Realm and People, may be treated, accorded, 'and eſtabliſhed in Parliament by the King, with and 'by the Aſſent of the Prelates, Earls, Barons, and Com- 'monalty of the Realm, as hath been accuſtomed.'

At this Parliament all ſuch as had taken Part with the Earls of *Lancaſter* and *Hereford* were diſherited of all their Lands and Poſſeſſions, except the Lord *Hugh Audley*, the younger, and ſome few more. The ſaid Lord was pardoned, becauſe he had married the King's Niece, Siſter to *Gilbert* Earl of *Glouceſter*, ſlain at the Battle of *Bannockburn*, in *Scotland*. Here alſo the King's eldeſt Son was created Prince of *Wales* and Duke of *Aquitain*; *Hugh Deſpenſer*, the elder, Earl of *Wincheſter*; and *Andrew de Harkeley*, who commanded Part of the King's Forces

Forces at the late Battle of *Boroughbridge*, Earl of *Car-* K. *Edward* II.
liſle.

To crown all, and further to ſhew their Loyalty to their Sovereign Prince, this Parliament granted him one Foot-Soldier out of every Village in the Kingdom, and more out of Towns and Cities in Proportion, to be armed and maintained for forty Days, at the Expence of the Inhabitants. The Barons, Knights, and Free-holders of each County gave a Tenth, as the Cities, Boroughs, and Towns, of antient Demeſne, did a Sixth, of their Moveables. The Clergy alſo, not to be behind-hand with the Laity, not only offered to raiſe the King the two Years Tenths (which had been laid upon them by the Pope, and they had ſcrupled to pay) in one Year, but alſo granted him an Aid of Five-Pence in every Mark for the Province of *Canterbury*, as thoſe of *York* did Four-Pence. Finally, the King, to ſhew he was not inſenſible of theſe liberal Grants and Donations, ordered that the Ordinances, which had been voted void, ſhould be again examined by Men of Judgment, and ſuch as they thought neceſſary to be eſtabliſhed, he commanded to be called *Statutes* [u].

With all theſe Grants of Men and Money, deſigned for the entire Conqueſt of *Scotland*, this ill-fated Prince did nothing; for though a gallant Army was raiſed, and met, by Appointment, at *Newcaſtle*, yet, when he entered *Scotland* with them, he found no Enemy to oppoſe him. The *Scots* were all retired to their Strong-holds; and the King, diſtreſſed for Want of Proviſions, which had been neglected, was obliged to return back to *England Re infecta*. Neither was this all the Evil he ſuſtained; for the *Scots*, watching his Retreat with a Party of Light Horſe, had very near taken him at Dinner, in a Monaſtery called *Byland-Abbey*, about ſixteen Miles North of *York*; the Earl of *Richmond*, who was with the King, being made Priſoner, himſelf narrowly eſcaping to the City. But the other Tranſactions, relative

[u] Pat. 15 *Edward* II. p. 2, m. 15 *et* m. 5. d. *Knygton*; *M. Weſt.* Cont.

Some Account of this Parliament at *York* is entered on the Rolls of Parliament; but it contains no more than a bare Recital of their Meeting, and a Confirmation of Charters, *&c.* made in his Father's Time.

There is a Statute extant, ſaid to be made at *Carliſle*, 15 *Edward* II. but we find no other Account of it.

K. *Edward* II. to this unfortunate Expedition, we leave to larger Hiſtorians to diſcuſs, and return to our Parliamentary Chronicle.

[178] About this Time the King of *France* had ſummoned his Brother of *England*, by two Ambaſſadors, to come over to him and do Homage for the Territories which the latter held in that Kingdom. His two Miniſters, the *Deſpenſers*, diſſuaded *Edward* from going in Perſon; and, after the Time prefixed was elapſed, the *French* King ſeized upon all *Guienne* and *Gaſcoigny*, as forfeited to him by *Edward*'s Non-Appearance.

Anno Regni 16. 1324. But, before that could happen, the King thought proper to take the Senſe of his Parliament about this Embaſſy; and one was accordingly ſummoned to meet at *London*, the Beginning of *Lent*, in the Year 1324. They were called together to treat of divers public Affairs, but particularly what Anſwer was to be given to the Embaſſy concerning the King's going over to do Homage. The Lords and others were unanimous in their Opinions, 'That the King ſhould not go in Perſon, 'but ſhould ſend certain Ambaſſadors on purpoſe to ex-'cuſe his coming over at all, or at leaſt to delay it for 'a Time.' Accordingly two Perſons of great Diſtinction, the Earl of *Kent*, Brother to the King, and the Archbiſhop of *Dublin*, were then nominated for that Employ.

At *London*.

At this Parliament, alſo, the King demanded a pecuniary Aid from the Clergy and Laity, to diſcharge the Ranſom of *John* Earl of *Richmond*, who had been taken Priſoner by the *Scots*, at the Battle of *Byland*, in *Yorkſhire*. But this Propoſal was refuſed by the Barons, for this Reaſon, 'That no ſuch Tax ought to be raiſed, 'but only for the Ranſom of the King, Queen, and 'their eldeſt Son, if they ſhould happen at any Time 'to be taken Priſoners.' And ſo that Demand fell.

In this Parliament *Adam de Orleton*, Biſhop of *Hereford*, was arreſted of High Treaſon; to the great Scandal and Prejudice of the Clergy, ſays the Canon of *Leiceſter*, and was examined before the King and Lords, on divers Articles. It was laid to his Charge, 'That he had 'entertained certain of the King's Enemies, had ap-'peared in the Field with them, had furniſh'd them with 'Arms,

[179]

Adam de Orleton, Biſhop of *Hereford*, charged with High Treaſon.

'Arms, and had given them his Aſſiſtance, Favour, and 'Advice [x].' The Biſhop, being a ſhrewd and learned Man [y], ſaid little at firſt to this Accuſation; but, being further urged, he anſwered, 'My Lord the King, ſaving all due Reverence to your Majeſty, I being an 'humble Miniſter of God's Church, and a conſecrated 'Biſhop, tho' unworthy, ought not to anſwer ſuch high 'Matters, without the Licence and Authority of my 'Lord the Archbiſhop of *Canterbury*, who, next to 'the Pope, is my proper Judge; as alſo with the Con'ſent of the reſt of my Fellow-Biſhops.' The Archbiſhop of *Canterbury* with his Suffragans, riſing up, implored the King's Mercy for him; and he was deliver'd to the Cuſtody of the Archbiſhop 'till the King ſhould reſolve when to ſummon him again, to anſwer to what might be farther laid to his Charge. Soon after the King ſummoned him again to anſwer in his Court of Juſtice, [*now the King's Bench*] which the Archbiſhops, *&c.* hearing of, they came in great Form, with their Croſſes, and took him away from the Bar, threatening to excommunicate all that withſtood them. Upon which *Edward* cauſed a Bill of Indictment [z] to be preferred againſt him to the Grand Jury of *Herefordſhire*, which being found, the King immediately ſeized on all his Temporal Poſſeſſions: And if he had taken his Life too, in all Probability he would have ſaved his own; for to this very Man was owing all the Misfortunes that befell the King afterwards, even to his Murder; the ſcandalous and ambiguous *Latin* Sentence [a] he ſent to his Executioners, being ſaid to be the Cauſe of it. K. *Edward* II.

In this Parliament, alſo, all the Manors and Poſſeſſions of the Knights *Templars* were, by the common Conſent of both Clergy and Laity, granted to the Knights *Hoſpitalers* of St. *John* of *Jeruſalem* for ever, as appears by the Statute at large, made for that Purpoſe, under [180]

x He had ſupported the *Mortimers* in their Riſing in *Wales*. *Speed's Chron.*

y Says *Tyrrel*. But Sir *Thomas de la More*, who knew the Man, ſays he was wiſe, ſubtle, and learned; but, otherwiſe, wilful, preſumptuous, and extreme factious; and that at firſt he diſdained to make any Anſwer at all, *&c.*

z An Inqueſt to be impannelled. *De la More.*

a Edvardum *occidere nolite timere bonum eſt.*

K. *Edward* II. this Title, *Statutum de Terris Templariorum* [b]. And this is all we can find to be done in this Parliament, no Entry being made on the Rolls about it.

But now, as if Fortune was never tired in perſecuting this Prince, ſhe ſtrove to wound him in a more ſenſible Part than ever ſhe had done before, by raiſing up ſome domeſtic Enemies againſt him in the Perſons of his Queen and Son. The Queen had found Means, under Pretence of ſettling ſome Differences, to get the King's Leave to go into *France*, as alſo to take her only Son the Prince with her. She ſtaid ſo long that the King began to be very uneaſy at her Abſence, and wrote ſeveral Letters to her to return, to which ſhe always gave evaſive Anſwers. At laſt, being much ſollicited, ſhe ſaid it was the Fear ſhe was in from the younger *Deſpenſer* that occaſioned her Delay. And whatever Letters and Mediators the King made uſe of to prevail on her to come to him, or to ſend the Prince his Son, they were all to no Purpoſe.

This Lady had formed a Scheme of a very ſcandalous and dangerous Nature, and ſhe deferred coming over till ſhe could put it in Execution. The diſcontented Barons, who ſtill hated the *Deſpenſers*, had, by Means of *Adam* Biſhop of *Hereford*, gained her to their Intereſt; and *Roger Mortimer*, her Favourite, having eſcaped out of the Tower into *France*, ſhe had the leſs Occaſion for her Huſband's Company. In ſhort, ſhe found Means to raiſe an Army of two or three thouſand Men, with whom ſhe tranſported herſelf and her Son, and landed at *Harwich*; where ſhe was immediately joined by the Earl Mareſchal, the Earl of *Leiceſter*, and other Barons and Knights who had been Rebels to the King; and, to give the greater Sanction to her Cauſe, with no leſs than four Biſhops and all their Attendance.

The King's domeſtic Affairs become deſperate

It is certain the Church had a great Hand in this Revolution; for except one loyal Biſhop, *Walter Stapleton*, [181] Biſhop of *Exeter*, we do not find another of the whole Bench untainted with the Times. This Prelate was murdered

[b] There is a Statute extant, called *The Statute of Extracts*, made this Parliament. See *Statutes at large*, 16 *Edward* II. But the *Templars'* Statute is put down in the Year following.

There is ſome Account of a Parliament entered on the Rolls, ſaid to be held at *Weſtminſter* on the Octaves of St. *Martin*, *Anno Regni* 19; but very little is ſaid on it.

murdered by the Mob in *London*; for which the City, fearing Eccleſiaſtical Cenſure, forced the Archbiſhops of *Canterbury*, *York*, and *Dublin*, with the other Biſhops that came to the next Parliament, to go to *Guildhall*, when they all ſwore to defend the Rights and Liberties of the City. *In Preſentia Comitis* Cantiæ, *et Multitudinis immenſæ, qui ad videndum Fatuitatem Epiſcoporum, quo Modo* Mahometo *ſacrificabant, confluxerunt* [c]. K. *Edward* II.

The King's Affairs were now in a miſerable Way: He made ſome Struggles, 'tis true, to withſtand this Tempeſt, but all too weak, and he ſoon found himſelf overborne by it. The two *Deſpenſers* were taken and executed, without either Hearing or Trial [d], and the King himſelf made a Priſoner in *Kenelworth* Caſtle. And he is made a Priſoner.

As our Deſign is intirely to purſue this Hiſtory in a Parliamentary Way only, we muſt refer our Readers again to the more general Hiſtorians of thoſe Times for the Particulars of the Facts above. But, no ſooner was the Queen ſecure in her new-got Poſſeſſion, when ſhe thought fit to eſtabliſh it by a Sanction of that Nature. A Writ was iſſued out for proroguing a Parliament which was to meet on the 15th of *December*, as ſummoned by the King, (*Teſte Rege apud* Lidbury) but this Writ is not on Record; and it is more likely that it was a trumped-up Writ for Form Sake, and to ground their Prorogation upon; for both *Tyrrel* and *Brady* agree in this, that the unfortunate King could know nothing of the ſealing this Writ, ſince he had ſent his Great Seal to the Queen and Prince ſome Time before. The Tenor of the Queen's Writ for that Parliament was, 'To be 'holden by *Iſabel*, Queen Conſort of *England*, and *Ed-* 'ward, the King's eldeſt Son, Guardian of *England*, 'he being then out of the Land; to be holden by the 'King, if perſonally preſent; or, in his Abſence, by the 'ſaid Conſort and Son, *&c.*' Here now is the Policy; they make the King call a Parliament, and at the ſame Time declare he was out of the Kingdom, which they imagined might be true, for he was not then in their Hands. The Writ of Prorogation itſelf, which evidences this extraordinary Affair, Dr. *Brady* has printed. [182]

Mr.

c *Wharton's Hiſt. Sacr.* Vol. I. p. 367.

d The Son had a Sort of a Trial before Judge *Truſſel*, tho' he was not allowed to plead, but only to hear his Accuſation, which was very long.—*Knyghton*, col. 2547.

K. *Edward* II. Mr. *Tyrrel* says it is very uncertain where these Writs were sealed; though the Matter is not much, adds he, since there is no Averment against the Record [e].

Anno Regni 20. 1327. At *Westminster*. But, by what Authority soever called, this Parliament met at the Time appointed, *viz. Jan.* 7, 1327, at *Westminster*. The first Thing that was moved there was by the aforesaid *Adam de Orleton*, Bishop of *Hereford*, who put this memorable Question, *Whether King* Edward *the Father, or his Son* Edward, *should reign over them?* He was seconded by several other Bishops, and it was not long before they all agreed the Son should have the Government of the Kingdom, and be crowned King, for the Reasons following:

The Parliament resolve to depose him.

Their Reasons. I. 'That the Person of the King was not sufficient to 'govern; for in all his Time he was led and governed by 'others, who gave him evil Counsel, to the Dishonour 'of himself, and Destruction of Holy Church and all his 'People, not considering or knowing whether it was good 'or evil; nor would remedy these Things, when he was 'requested by the Great and Wise Men of his Realm, 'or suffer them to be amended.

II. 'That in all his Time he would not give himself 'to good Counsel, nor take it, nor to the good Govern- [183] 'ment of his Kingdom; but always gave himself to 'Works and Employments not convenient, neglecting 'the Business of his Realm.

III. 'That, for want of good Government, he lost 'the Kingdom of *Scotland*, and other Lands and Domi- 'nions in *Gascoigny* and *Ireland*, which his Father left 'him in Peace and Amity with the King of *France*, and 'many other great Persons.

IV. 'That, by his Pride and Cruelty, he destroyed 'Holy Church, and the Persons of Holy Church, put- 'ting

[e] See the Writ in *Brady*'s *Appendix*, N°. 70; and in *Ryley*'s *Plac. Parl. App.* p. 582: But there is no Mention of this Parliament on the Rolls.

There is a Writ in the *Public Acts*, directed to the Constable of *Dover* Castle, to take and fast 60 Does out of the Park of the Manor of *Braburn*, in order to be sent up to *Westminster*, 'Receptori Instauri *nostri ibidem liberandus*,' against the Meeting of the Parliament — *Teste Rege apud* Kenelworth *decimo quarto Die* Decembris. — *Fœd. Ang.* Tom. IV. p. 240.

Another Writ is extant, in the same Collection, to *Richard Dameroy*, Justice of *North Wales*, to send up 24 Members, *tam* Anglicos *quam* Walenses, to the present Parliament. Dated at *Kenelworth, Jan.* 11, when the King was a Prisoner in that Castle: which is the last Act of State but one, dated the 12th, which was in this King's Name. *Idem*, p. 242.

'ting ſome in Priſon, and others in Diſtreſs; and alſo K. *Edward II.*
'put to ſhameful Death, and impriſoned, baniſhed, and
'diſherited, many Great and Noble Men of the Land.

V. 'That whereas he was bound, by his Oath, to do
'Right to all, he would not do it, thro' his own Lucre
'and the Covetouſneſs of him and his evil Counſellors
'which were with him; neither regarded the other
'Points of the Oath which he made at his Coronation,
'as he was obliged.

VI. 'That he abandoned his Realm, and did as much
'as he could to deſtroy it and his People; and, what is
'worſe, by his Cruelty and the Default of his Perſon,
'he was found incorrigible, without Hopes of Amend-
'ment.

'And that all theſe Things were notorious beyond
'Contradiction.'

Theſe Articles are ſaid to have been dictated by *John de Stratford*, Biſhop of *Wincheſter*, Treaſurer of *England*. They were written by his Secretary, and a Public Notary having put to them his Probat, they were, by common Conſent of Parliament, ſent to the King, then a Priſoner at *Kenelworth* Caſtle. The Committee choſen for that Purpoſe were the aforeſaid Biſhop, with *Adam de Orleton*, Biſhop of *Hereford*, and *Henry Burwaſh*, Biſhop of *Lincoln*; together with two Earls, four Barons [g], and three Knights of every County; as alſo ſome of the Citizens and Burgeſſes for *London*, the *Cinque-Ports*, and other Cities and Towns in *England*. Theſe Commiſſioners had a Power given them 'to reſign their
'Homage and Fealty to the King, in the Name of all [184]
'the reſt, to give him Notice of the Election of his Son,
'and to procure his voluntary Reſignation of his Crown;
'or, if he refuſed, to give up their Homages, and pro-
'ceed as they thought fit.' The Reaſon of this mild Proceeding, ſays *Walſingham*, was becauſe the Queen felt a Qualm of Conſcience about the Depoſition of her Huſband; and the young Prince, affected with this ſeeming Concern of his Mother [h], declared he would not accept the Title againſt his Father's Will; therefore

A Committee appointed to go to the King, and demand his Reſignation of the Crown;

[g] The Titles and Names were the Earls of *Leiceſter* and *Warren*, *Roger Grey* and *Hugh Courtney*, Barons; Sir *Geoffrey Scroope* and *John de Santhour*, Juſtices; to whom were added the Abbots of *Glaſtenbury* and *Dorcheſter*. *Stowe's Chron.*

[h] *Ut foris apparuit.* Walſingham.

K. *Edward* II. fore the King's abſolute Reſignation was thought neceſſary for their better Satisfaction.

Another Author [i], and Contemporary with this Revolution, hath told us by what Means this Reſignation was obtained. He writes, that the Biſhops of *Wincheſter* and *Lincoln* came before the reſt to the King to ſmooth the Way; and that theſe Prelates, along with the then Earl of *Lancaſter*, his Keeper, perſuaded his Majeſty to reſign his Crown to his Son, 'promiſing him as much Honour 'after his Reſignation as before; and, on the other 'Hand, threatening him that, if he would not, the 'People would yield up their Homage and Fealty, paſs 'by his Son's Right, and chuſe a King out of the Royal
[185] 'Line.' Mr. *Tyrrel* ſuppoſes theſe Arguments not very probable to come from the Earl of *Lancaſter*, who was himſelf Heir to the Crown on Failure of *Edward*'s Iſſue. But, be that as it will, they promiſed him Safety as to his Perſon, with a large and handſome Allowance as to the Support of his Dignity. All theſe Arguments we may ſuppoſe had Weight enough in them to move the King to comply, and to make his Reſignation accordingly: The Manner and Form of which, ſays *Tyrrel*, being very grave and ſolemn, and, we may add, of the utmoſt Conſequence to the Nation, ſince it is the firſt Inſtance in *Engliſh* Hiſtory of this Kind, we think proper to give from the fore-cited Author, along with *Walſingham*, who lived in the next Century, as the beſt Authorities to direct us [k].

After

[i] Sir *Thomas de la More.*

[k] The Manner of the two Biſhops addreſſing the King on this extraordinary Occaſion, is very politely drawn up by *Pere D'Orleans*, in his Hiſtory of the Revolutions of *England*, in theſe Words: *Les Eveſques de* Lincolne *et de* Wincheſtre *prirent les devants pour rompre la Glace. Ils le firent avec aſſez d'Adreſſe. Apres luy avoir inſinué le Sujet de leur Deputation, ils commencerent par l'aſſeurer qu'on luy conſerveroit les Titres et les Honneurs de la Royauté. Puis tournant la Choſe du coſté de Dieu, et faiſant les Predicateurs, ils luy repreſenterent de quel Merite il luy ſeroit pour l'autre Vie, d'avoir ſacrifié au Repos public une Couronne que ſes Années, qui s'avancoient inſenſiblement, l'avertiſſoient, qu'il falloit quitter. Enfin venant au Point eſſentiel, ils luy firent Valoir la Grace que luy faiſoit le Parlement, de conſerver, malgre les Sujets qu'on avoit de ſe plaindre de luy, la Royauté dans ſa Maiſon, et de permettre que ſon Sang regnaſt dans la Perſonne de ſon Fils. Ils conclurent par luy faire entendre, que s'il ne prenoit ce Parti, il auroit le chagrin de voir une nouvelle Famille, et un Roy eleu chaſſer les* Plantagenettes *du Troſne, qu'ils occupoient depuis ſi long Temps; qu'il eſtoit reſponſable de la Couronne d'*Angleterre *a ſes Ancêtres, ſes Heritiers, et ſes Defendars, et qu'il ne tenoit qu'a luy de conſerver a une Poſterité plus heureuſe cette belle Poſſeſſion de ſes Peres,*

After this Deputation from the Grand Committee had softned and brought the King to their own Temper, the whole Body of them was introduced. The King came out of his Bed-Chamber, in a Morning-Gown, to meet them; but no sooner had he heard their Message, and the Articles against him, than he swooned away, and had fallen to the Ground, had he not been supported by the Earl of *Lancaster* and the Bishop of *Winchester*. However, coming to himself, he answered, with Tears in his Eyes, *That he was very sorry he had so misbehaved himself towards his People, and asked Pardon for it of all that were present; but, seeing now it could not be otherwise, he returned them Thanks for chusing his first-born Son in his Room.* He then made his Resignation, by delivering up his Royal Ensigns of Sovereignty, the Crown and Scepter, which the Commissioners had taken Care to bring for that Purpose; after which, one Sir *William Trussel*, supplying the Place of Chief Justice of *England*, and chosen as Procurator, was ordered, by the whole Committee, to pronounce their Resignation of Homage to the King, which he did in this Form:

K. *Edward* II.

Which he resigns accordingly.

'I *William Trussel*, Procurator of the Prelates, Earls, and Barons, and other People in my Procuracy named, having for this full and sufficient Power, do surrender and deliver up, to you *Edward* King of *England*, before this Time, the Homage and Fealty of the Persons in my Procuracy named, in the Name of them, and every of them, for certain Causes therein mentioned; and do return them up to you *Edward*, and acquit or discharge the Persons aforesaid, in the best Manner that the Law and Custom can give it; and do make this Protestation in the Name of all those that will not for the future be in your Fealty, or Allegiance, nor claim to hold any Thing of you, as King; but account you as a private Person, without any Manner of Royal Dignity.'

Hereupon the Parliament renounce their Homage and Fealty,

[186]

The Ceremony ended with Sir *Thomas Blunt*'s, the High Steward, breaking his Staff, declaring all the King's Officers discharged from his Service, in the same Manner as if the King was actually dead.

The Commissioners returning to Parliament with the King's Answer and the Royal Ensigns, made the common People [a] rejoice; and presently the whole Community

And chuse his Son *Edward* in his Stead.

[a] Dr. *Brady* has translated the Latin Word *Plebs* into *Rabble*, for which he is girded at by Mr. *Tyrrel*.

K. *Edward* II. munity of the Kingdom admitted *Edward*, a Youth of fourteen Years of Age, to be their King.

After this the Archbiſhop of *Canterbury* preached a Sermon before the whole Aſſembly; his Text was *Vox Populi Vox Dei*; exhorting his Audience to pray for the King whom they had choſen. Thus, ſays an Author, the Lawyers found out a legal Method to deprive their King of Sovereignty; and the Divines conſecrated their mighty Power in calling their Voice a *Divine Election* [d].

All this was done whilſt the ſham Parliament was ſtill ſitting, on the 20th of *January*, 1327, and which is call'd the firſt Day of *Edward* the Third's Reign; for from that Time he acted as King, as appears by the Writ to all the Sheriffs of *England* to proclaim his Peace, dated two Days before his Coronation. Which act of State, as it is ſingular in its Kind, and tho' not Parliamentary, yet deducing his Title from that Authority, we ſhall give in Dr. *Brady*'s Tranſlation as follows [e].

The King to the Sheriff of *Yorkſhire*, Greeting:

[187] *BEcauſe* Edward, *late King of* England, *our Father, by Common Council and Aſſent of the Prelates, Earls, Barons, and other Great Men, and alſo of the Communities of the ſaid Kingdom, of his own free Will removed himſelf from the Government of the ſaid Kingdom, willing and granting, That we, as his Firſt-born and Heir of the Kingdom, ſhould take upon us the Rule and Government: And we yielding to the good Pleaſure of our Father, by the Counſel and Adviſement of the Prelates, Earls, Barons, Great Men, and Communities aforeſaid, have taken upon us the Government of the ſaid Kingdom, and received the Homages and Fealties of the ſaid Prelates and Great Men according to Cuſtom; therefore, deſiring our Peace for the Quiet and Tranquillity of our People to be inviolably obſerved, we command, That, preſently after Sight of theſe Preſents, you cauſe our Peace publickly to be proclaimed through your whole Bailiwick, forbidding all and ſingular, under the Pain of diſinheriting, and loſing Life and Member, that they preſume not to infringe or violate our Peace; but that all Men do proſecute their Suits and Actions without*

[d] Hiſtorical Obſervations on the Reigns of *Ed.* I. *Ed.* II. and *Rich.* II. By a Perſon of Honour. *London*, 1689, 8*vo*.

[e] From Clauſ. 1. *Ed.* III. p. 1. m. 28. In *Append.* N°. 74.

out Violence, according to the Laws and Cuſtoms of the Land, &c. Witneſs the King at *Weſtminſter* the 29th of *January*. K. Edward II.

We ſhall conclude this Monarch's unfortunate Reign, and moſt miſerable End, in Dr. *Brady*'s own Words.

'The King was all this Time Priſoner in *Kenelworth* 'Caſtle, not knowing what further they were doing. 'The Nation obſerving what had been done, ſeeing the 'Queen engaged, and the Prince carried along with 'them, not then perhaps ſuſpecting the Deſigns of the 'Heads, began to be ſenſible of the King's Condition, 'and to conſider the Pretences of his Enemies, and to 'think how they might be kind to him, and prevent fur- 'ther Miſchief. His Keeper alſo, the Earl of *Lancaſter*, 'began to be every way obliging to him, much pitying 'and commiſerating his deplorable Caſe. Many Lords 'and others began to think how they might deliver him 'out of Captivity; the Notice or rather Suſpicion whereof 'much ſtartled *Mortimer*, the Biſhop of *Hereford*, the 'Queen, and chief Actors in this Tragedy, reflecting 'upon what they had done, and fearing if the King 'ſhould get his Liberty they could not be ſafe, or at 'leaſt their Deſigns muſt come to nothing, which [188] 'cauſed them to think of removing him from *Kenelworth*, 'and appointed him new Keepers, who were *Thomas* '*Gournay* and *John Maltravers*, Knights; theſe recei- 'ving him at *Kenelworth* Caſtle by principal Authority [e], 'hurried him up and down the Nation, that it might 'not be known where he was; and at laſt brought him 'to *Berkley* Caſtle in *Glouceſterſhire*, where he was in- 'humanly treated by his Keepers, who attempted to 'deſtroy him by all Ways of horrid Indignities, bruti ſh 'Uſages, and before-uncontrived and unthought-of Af- 'fronts: But having been fruſtrated in their Intentions, 'by his natural Strength of Body and Fortitude of Mind, 'on the 22d of *September*, at Night in his Bed, they The Murder of *Edward* the Second. 'ſtifled and ſmothered him, with large and heavy Bol- 'ſters and Pillows, and put up a red-hot Iron, through 'a Ductil-Pipe, into his Guts at his Fundament; and 'in this moſt cruel Manner murdered him, that no 'Wound

e *Authoritate principali*, Sir *Thomas de la More* phraſeth it,

K. *Edward* II. 'Wound, or Mark of a violent Death, might be found 'upon him.'

TAXES *in this King's Reign.*

Taxes during his Reign.

IN his first Year the Earls, Barons, Knights, and all others of the Kingdom, granted a twentieth Part of their Moveables, except their Armour, War-Horses, Jewels, Robes, and Vessels of Gold and Silver, of Knights and other Freemen, and of their Wives. And the Citizens, Burgesses, and Tenants of the antient Demesnes of the Crown, granted a fifteenth Part of their Moveables; as also did the Clergy [g].

[189]

In his second Year the Laity granted a Twenty-fifth of their Moveables [h].

In his seventh Year the Earls, Barons, Knights, Freemen, and Commons [i] of Counties, gave a twentieth Part of their Goods; and the Citizens and Burgesses, and Communities of Cities and Boroughs, gave a Fifteenth [k].

In his eighth Year he had a twentieth Part of the Moveables of the Laity, granted by the Commons of the Counties of the Kingdom [l] assembled in Parliament [m].

In his ninth Year he had granted a fifteenth Part, of the Citizens, Burgesses, and Tenants in antient Demesnes, for his War with the *Scots*, in the Parliament held at *Lincoln*; the same Year the Community of the Kingdom, or the Military Men, were then also summoned to do their Service [n].

In his fifteenth Year the Prelates and Clergy of both Provinces met in two Synods, or Convocations, the one at *Lincoln*, the other at *York*; the former of which the Archbishop of *Canterbury* was immediately to summon, to treat of a competent Aid to be granted to him towards his Expedition against the *Scots*, who had then invaded *England*: In which Writs, as it were for a Direction, he

g *Inter Rot. Comput. in Custod. Cler. Pipæ, Tempore*, Ed. II. *Claus.* 1. Ed. II. *m.* 12. *intus.*
h *Rot. claus.* 2. Ed. II. *m.* 23. *in sced.*
i *Communitates.*
k *In Rot. Comput. ut supra.*
l *Communitates Comitatuum Regni.*
m *Rot. Pat.* 8 Ed. II. *m.* 12. *dors. p.* 2.
n *Rot. Parl.* 9 Ed. II. *m.* 2.

he recites that the Prelates, Earls, Barons, Noblemen, and the Commons granted him a tenth Part of the Goods of the Community or Body of the Kingdom, and a ſixth Part of the Goods of Citizens, Burgeſſes, and Tenants of antient Demeſnes. K. *Edward* II.

Mr. *Tyrrel* obſerves, 'That in this King's Reign we 'find few or no Complaints of any Taxes impoſed by 'Colour of his Prerogative, contrary to Law, notwith-'ſtanding the exorbitant Power of the two *Deſpenſers*: [190] 'But this might be owing to their Policy, who, having 'made themſelves ſo obnoxious to the Nobility, would 'do what they could to make the common People their 'Friends. But towards the latter End of his Reign, 'the Confiſcation of the Eſtates of the Earl of *Lancaſter*, 'and the reſt of the Barons attainted, were ſo conſider-'able, that though he gave away a great deal of Lands 'to the *Deſpenſers* and their Adherents, yet that which 'ſtill remained in the Crown made him to have a greater 'Revenue than any of his Predeceſſors ſince King *Henry* 'the Second's Time.'

Price of PROVISIONS *in the Reign of* EDWARD II.

In the Year 1309 [o], Wheat ſold for 7*s*. 2*d*. a Quarter; and Malt for 6*s*. Wine at about 43*s*. 7*d*. a Ton. Oats 4*s*. a Quarter. A Hog about 3*s*. 2*d*. A Mutton about 3*s*. A Gooſe about 3¾*d*. A Fowl about 3*d*. A Pig 6*d*. A Shield of Brawn 4*s*. But theſe, being for a Prior's Feaſt, ſeem to be charged high.

In 1314 [p], a Corn-fed Ox for 1*l*. 4*s*. and a Graſs-fed Ox for 16*s*. A fat Mutton for 1*s*. 8*d*. And four Pigeons for 1*d*.

In 1315 [q], Wheat ſold for 20*s*. a Quarter; Malt 13*s*. 4*d*. and Salt for 1*l*. 15*s*.

In 1316 [r], Wheat ſold for 1*l*. 12*s*. the Quarter.

In 1317 [s], Wheat ſold at *Leiceſter* for 2*l*. 4*s*. a Quarter, being exceſſive ſcarce; and in the ſame Year fell to 14*s*.

But

o *Gul. Thorne* inter Decem Scriptores, *p*. 2010.
p *Stowe*'s *Chronicle*.
q *Walſingham*.
r *Fabian*'s *Chronicle*.
s *Knyghton Can. Leiceſt*.

K. *Edward* II. But all these Particulars may be found, drawn out with the utmost Exactness, in Bishop *Fleetwood*'s *Chronicon Pretiosum*[t].

K. *Edward* III. [191] FROM the Deposition of *Edward* the Second we must date the Beginning of the Reign of *Edward* the Third; for, pursuant to the Proclamation which had been made of his Election to the Crown, his Coronation was performed with great Ceremony, on the first of *February*, 1327; the Parliament which had deposed his Father still sitting.

The young King being then but fourteen Years of Age, his Hands were thought too weak to manage the Reins of Government: Accordingly the Parliament assigned him twelve Guardians, *viz.* five Bishops, two Earls, and five Barons. Their Names were, *Walter Reginald*, Archbishop of *Canterbury*; *William de Melton*, Archbishop of *York*; *John Stratford*, Bishop of *Winchester*; *Thomas Cobham*, Bishop of *Worcester*; and *Adam de Orleton*, Bishop of *Hereford*; the two Earls were *Thomas de Brotherton*, Earl Mareschal, and *Edmund* of *Woodstock*, Earl of *Kent*, both the King's Uncles; the Barons were *John* Lord *Warren*, *Thomas* Lord *Wake*, *Henry* Lord *Percy*, *Oliver* Lord *Ingham*, and *John* Lord *Ross*. Over all these, by general Consent of the Parliament and of the twelve Guardians themselves, *Henry* Earl of *Lancaster*, *Lincoln*, *Leicester*, and *Derby*, the King's Cousin, was deputed to have the chief Care of his Person[u]. But this was all a fine Shew only; for *Roger Mortimer*, the Queen's Favourite, moved the whole

Twelve Guardians appointed for the young King.

[t] This King, in his Confinement, is said to have wrote some Latin Verses on his Misfortunes, which shew that he was a Scholar: A great Rarity in any Layman at that Time! Two Cardinals came from *Rome* in the Midst of these Civil Wars, and brought Letters from the Pope to the Barons, to persuade them to be reconciled to their King; but they excused themselves from hearing or seeing them, by saying that *They were unlearned and brought up to nothing but the Sword*. *Fabian* had seen the King's Verses, and has given us a Specimen of them; by which it appears that a Monk was his Schoolmaster.

Dampnum mihi contulit Tempore brumali,
Fortuna satis aspera vehementis Mali,
Nullus est tam sapiens, mitis, aut formosus,
Tam prudens Virtutibus, ceterisque famosus,
Quin stultus reputabitur, et satis despectus,
Si Fortuna prosperos avertat Effectus. Fabian's Chron.

[u] *Josbua Barnes*'s Hist. of *Edw.* III. p. 4. *Tyrrel*, p. 338.

whole Machine at that Time, whatſoever Parts theſe Puppets were appointed to play in it. K. *Edward* III.

On the third of *February*, two Days after the Coronation, a Petition was preſented to the King and Parliament, from all thoſe that had been anywiſe concerned in the Quarrel of *Thomas* Earl of *Lancaſter* [b], 'praying 'to be reſtored to their Eſtates, with Profits of them 'from the Time they had been wrongfully diſſeized.' It was unanimouſly agreed, by the Aſſent of the whole Parliament, 'That all Lands and Tenements which 'had been ſeized, by reaſon of the ſaid Quarrel or Con-'tention, ſhould be reſtored, as well in *Ireland* and '*Wales* as *England*, together with their Profits and Ar-'rears of Rent, except thoſe that had been received to 'the King's Uſe.' And this Quarrel was affirmed to be juſt by the whole Body aſſembled. [192]

The Adherents of the late Earl of *Lancaſter* pardoned, and their Eſtates reſtored by Act of Parliament.

On the ſame Day all thoſe that came over with the Queen and the Prince her Son, and thoſe that joined with them after their Arrival, were alſo pardoned and indemnified by Parliament. The Preamble to this Pardon is very long and remarkable; containing all the Cauſes and Reaſons of the late Revolution, according to *Tyrrel*; or the Cover, Pretences, and Suggeſtions, of all the Contrivances and Deſigns againſt *Edward* II. as Dr. *Brady* terms it; but ſince it is printed in all our Statute Books, we ſhall only give the Reader Mr. *Tyrrel*'s Abſtract of it, and refer the more curious to the Statute itſelf [c].

'It *firſt* recites the Baniſhment of the two *le Deſpen-'ſers*, Father and Son, by Act of Parliament: *Second-'ly*, Their Return without the Conſent of the Com-'munity of the Realm: *Thirdly*, Their cauſing the 'King to purſue *Thomas* Earl of *Lancaſter*, and other 'Barons and Commons that endeavoured to oppoſe it; 'in which Purſuit the ſaid Earl, and divers other Great 'Men and People of the Realm, were put to Death and 'diſinherited, and others impriſoned, outlawed, or baniſhed.

[b] The Record of this Petition, in old *French*, is entered on the *Rolls*, and is alſo in the *Public Acts*; the Preamble to it is as follows: *Fait a Remember qe, le tierce Jour de Feverier l'An du Regne le Roi* Edward. *Fitz au Roi* Edward, *Fitz au Roi* Henri *primer, furent monſtrez en Parlement, adonqes tenu a* Weſtmonſtier, *aſcun Petitions, par les Chivalers, et la Communes, de la Querele de Count de* Lancaſtre *en la Forme que enſuit*, &c.—*Fœd. Ang.* Tom. IV. p. 295.

[c] See *Statutes at large, Anno Reg.* 1 Edw. III.

K. *Edward* III. ‘ baniſhed. *Fourthly*, That, after theſe Miſchiefs, ‘ *Robert Baldock* and *Edmund* Earl of *Arundel* uſurp'd ‘ to themſelves Royal Power, ſo that the King could ‘ do nothing but as they counſelled him, were it never ‘ ſo wrong. *Fifthly*, That, after the Queen's going into ‘ *France*, by the King's Will, and Common Council ‘ of the Realm, the Perſons above-mentioned excited the ‘ late King againſt his Son *Edward* and the Queen his ‘ Conſort, ſo that they remained in a Manner exil'd ‘ from the ſaid King *Edward* and the Realm of *England*; ‘ wherefore it was neceſſary for our Sovereign Lord the ‘ King that now is, and the Queen his Mother, being [193] ‘ in ſo great Jeopardy of themſelves in a ſtrange Coun- ‘ try, ſeeing the Deſtructions, Oppreſſions, and Diſhe- ‘ riſons, which were notoriouſly committed in the Realm ‘ of *England*, upon Holy Church, the Prelates, Earls, ‘ Barons, *&c.* and other Great Men, and the Commu- ‘ nity, by the ſaid Perſons above-mentioned, by engroſ- ‘ ſing Royal Power to themſelves, to take as good Coun- ‘ ſel as they might; and ſince they could not remedy the ‘ ſame unleſs they came into *England* with an Army of ‘ Men of War, and had, by the Grace of God, with that ‘ Puiſſance, and the Help of the Great Men and the ‘ Commons of the Realm, vanquiſhed and deſtroyed the ‘ ſaid Parties above-mentioned, *&c.*' Then follows the enacting Part, *viz.* ‘ That therefore our Sovereign Lord ‘ the King that now is, upon certain Petitions and Re- ‘ queſts made to him in this Parliament, upon ſuch Ar- ‘ ticles as are there above rehearſed, by the Common ‘ Council of the Prelates, Earls, Barons, and other Great ‘ Men, and by the Commonalty of the Realm there pre- ‘ ſent, by his Commandment hath provided, ordained, ‘ and eſtabliſhed, in Manner following:

‘ That no Great Man, nor other, of what Eſtate, ‘ Dignity, or Condition he be, that came over with the ‘ ſaid King that now is, and with the Queen his Mo- ‘ ther, into the Realm of *England*, nor any other then ‘ dwelling in *England*, that came with the ſaid King that ‘ now is, and the Queen in Aid of them, to purſue their ‘ ſaid Enemies, in which Purſuit the King his Father ‘ was taken, and put in Ward, and yet remaineth in ‘ Ward, ſhall be impeached, moleſted, or grieved in ‘ Perſon, or in Goods, in the King's Court, or any other

‘ Court,

'Court, for the Purſuit of the ſaid King, the taking K. *Edward* III.
'and with-holding of his Body, or Purſuit of any other,
'or taking of their Perſons, Goods, or Death of any Man,
'or any other Thing perpetrated or committed in the
'ſaid Purſuit, from the Day that the ſaid King and
'Queen did arrive, 'till the Day of the Coronation of
'the ſame King.'

It appears by the Collection of *Public Acts*, that this Parliament continued ſitting for above a Month after the King's Coronation; in which Time many Acts of State were paſſed relating to different Countries and Affairs, for the greater Security of the preſent Poſſeſſors. As alſo ſeveral Grants of Money, *&c.* beſtowed on the Queen and her Accomplices; beſides Pardons and Indemnifications to a vaſt Number of People, by Name, who had been concerned in the late Commotions, under the Earl of *Lancaſter* and the other Barons. The Titles of the moſt ſignificant of which the Reader will find under this Note [d].

[194]

The Parliament being at laſt diſſolved, Commiſſioners were ſent to the Borders of *Scotland* to treat of a Peace, but the *Scots* refuſed to treat with them; not only ſo, but they broke the Truce which had been made with King *Edward* II. and, raiſing an Army, invaded *England*. The young King and his Mother made ready to oppoſe them, and, with the mercenary Soldiers that came over with her, they marched againſt them. The *Scots* were ſo regardleſs of the *Engliſh* at that Time, that they ſuffered themſelves to be incloſed, by their Enemies, in a

[d] *De Temporalibus, ad Procurationem* Hugonis le Deſpenſer *junioris, olim detentis, Epiſcopo* Norwicenſi *jam denuo reſtituendis.* Fœd. Ang. *Tom.* IV. *p.* 248.

De Expenſis Reginæ in Partibus Franciæ, *p.* 249.

Pro illis, qui fuerunt de Querela Comitis Lancaſtriæ, *ſuper Finibus, de Aſſenſu Parliamenti, relaxandis, p.* 256.

De Proceſſu verſus Epiſcopum Hereford enſem, Adam de Orleton, *quod* Thomæ *Comitis* Lancaſtriæ *adhæſit, habito, adnullando, & Terris, propterea in Manum Regis captis, reſtituendis, p.* 257.

Adhuc pro illis, qui fuerunt de Querela nuper Comitis Lancaſtriæ *de Reſtitutione pariter facienda, Literæ ad Vicecomites complurium Comitatuum, p.* 258, 259, 260, 261.

Pro Iſabella *Regina ad Debita ſolvenda.* A Grant of 20,000 *l. p.* 262.

Ad Cuſtodes quarundam Terrarum, pro Margareta, *quæ fuit Uxor* Bartholomæi de Badeleſmere, *& aliis de Querela antedicta.* Eadem.

Ad Theſaurariam, de Pœnis, & ceteris Redemtionibus, illis de ſupradicta Querela relaxandis, p. 264.

Ad Papam, pro Canonizatione Thomæ *nuper Comitis* Lancaſtriæ, Litera admiranda, *p.* 268.

K. *Edward* III. Place called *Stanhope-Park*, in the Biſhoprick of *Durham*; and might have every Man of them been deſtroyed or taken, but they found Means to eſcape in the Night-Time, and get ſafe back into their own Country. Therefore it was thought proper to call a Parliament to conſult about the Security of the Kingdom, and other Matters, which was to meet, *September* 15, at *Lincoln*. The Writ, in which moſt of the Relation above is contained, bears Date at *Stanhope*, *Auguſt* 7, in the firſt Year of his Reign [e]. But tho' this Parliament met at the Time appointed, yet we cannot find what was done at it; certainly nothing conſiderable, ſince our Hiſtorians and Records are ſo ſilent about it.

Anno Regni 1. 1327.

At *Lincoln*.

[195]

An old Hiſtorian [f] writes, That it was here the young King received Advice of his Father's Death; which, to outward Appearance, he ſeemed to lament exceedingly, and this might be one Cauſe of a ſudden Diſſolution of this Parliament [g].

Anno Regni 2. 1328.

At *Weſtminſter*.

Not long after the King's Return to *London* he held a Parliament, or rather, ſays *Tyrrel*, a great Council of the Nobility, at *Weſtminſter*, *Nov.* 13, the ſame Year. In this the only Matter that we can find tranſacted, was confirming the Privileges of the City of *London*, and ordaining ſeveral new Honours to the Mayor and Aldermen; which, with ſome other particular Grants, we may ſuppoſe was conferred on them, by Advice of the Queen, and the King's Guardians, for their remarkable Attachment, in the late Revolution, to her Intereſt [h].

At *York*.

This Year alſo another Parliament was ſummoned to appear at *York*, on *Sunday* after *Candlemas-Day*, to treat of certain Articles of Peace, which had been propounded

[e] *Pro Parliamento habendo ſuper Defenſione Regni contra* Scotos. Fœd. Ang. *Tom.* IV. *p.* 301.

[f] *Henry Knyghton.*

[g] There is Mention made of a Parliament held at *New Sarum*, in a Writ to the Sheriffs, *&c.* to provide Horſes, *&c.* for the Members that were coming to it. *Ibid* p. 315.

Teſte Rege apud Novum Sarum *viceſimo Die* Octobris.

This Parliament is alſo taken Notice of by *Knyghton*, col 2553; but it was hindered from meeting, he ſays, *Nam Partes obviaverunt ſibi ſuper Planam de* Salisbury, *ibique ſe ad Pugnam paraverunt; ſed per alios de Regno impediti ſunt, ſicque Parliamentum dilatum eſt ad Feſtum Purificationis celebrandum, apud* Weſtmonaſterium.

[h] *Barnes's Edward* III. p. 23.

pounded between the two Nations at *Newcaſtle*. But nothing was done at it, becauſe ſeveral Biſhops and other Great Men did not come to this Meeting, by reaſon they well knew it was called only to get their Approbation of thoſe Articles, which had been before agreed on by the Queen and her Council [i]; therefore Writs were iſſued out for calling another, three Weeks after *Eaſter*, to *Northampton*. In this Parliament, however, they managed ſo, that a ſcandalous Peace was trump'd up between the *Engliſh* and *Scots*, contrived and directed by the Queen and *Roger Mortimer*. The Articles were, firſt, 'That Prince *David*, Son and Heir to *Robert* King of 'Scots, ſhould marry the Princeſs *Joanna* [k], *Edward*'s 'eldeſt Siſter; in Conſideration of which he was to grant 'the *Scots* King a Charter, to releaſe all his Claim to Su- 'periority, which *Edward* or his Anceſtors had, or could 'pretend to have, over *Scotland*; and to deliver up all 'Charters and Inſtruments concerning the ſame [l].' This Charter, it ſeems, by the Contrivance of the Powers above-mentioned, was actually granted to the *Scots* King; and ſince it was, in Part, a Parliamentary Proceeding, we ſhall give Mr. *Tyrrel*'s Abſtract of it, from a Manuſcript Chronicle, with the further Acts of this Parliament in his own Words [m].

K. *Edward* III.

Anno Regni 2. 1328.

At *Northampton*.

[196]

A Treaty with the *Scots*, by which the Claim of Superiority over that Kingdom is given up.

'It begins with a Recital of the dangerous Wars 'and great Miſchiefs that had for a long Time fallen 'upon both Kingdoms, by reaſon of that Claim of Su- 'periority which he, the King of *England*, and his Pre- 'deceſſors, had made over that of *Scotland*: To put an 'End to which, he, by the Conſent of the Biſhops,

i There is in the *Public Acts* a Summons to *Adam de Orleton*, the late Prelatical Incendiary, to appear at this Parliament, to anſwer for ſome illegal Proceedings he had been guilty of, relating to the Biſhoprick of *Worceſter*. See Vol. IV. p. 330, 331.

k Called by the *Scots*, in Deriſion, *Joan Mackpeace*. *Knyghton* calls her *Joanna de Turri, Soror Regis Edwardi*. Col. 2558.

l With the famous Evidence, called *Ragman-Roll*, and many Jewels and Monuments; amongſt which was one of great Value, called the *Black Rood*, or Croſs of *Scotland*. *Daniel*'s *Hiſtory of England*, in *Kennet*, p. 212. In Conſideration of which *David* was to pay 30,000 Marks; *Knyghton* ſays 20,000, and that *Mortimer* had the Money. *Idem*.

m *Tyrrel*'s Hiſtory, p. 350, from the *Chronicle* of *Lanercoſt*. This Charter is printed at large in his *Appendix*, and is in *Rymer*'s *Fœdera*, Tom. IV. p 337. Being dated at *York*, the Annotator on *Rapin* concludes that this Parliament was held in that City. Fol. Ed. p. 409 But both that Author and his Annotator have jumbled the Parliaments ſtrangely in this Reign.

K. *Edward* III. ‘ Earls, Barons, and Commons of his Kingdom aſſembled in Parliament, grants to *Robert* King of *Scotland*, ‘ his Heirs and Succeſſors, that they ſhall hold their ‘ Kingdom free, and for ever diſcharged it of all Subjections, and all Claim and Demand thereof from the ‘ King of *England*, his Heirs and Succeſſors, and further ‘ renounce for himſelf, *&c.* by theſe Preſents, all former ‘ Obligations, Agreements, or Compacts made by, or ‘ with, any, or either, of their Predeceſſors concerning ‘ the Subjection of the Kingdom of *Scotland*, or its People, ‘ both of the Clergy and Laity; and that if any ſuch ‘ Charters or Inſtruments ſhall be found, he wills that [197] ‘ they ſhall for the future be accounted as null, void, [illegible] Value. Dated at *York* the firſt Day of *March*, ‘ *An. Reg. ſecundo.*’

So that all original Inſtruments of Homage from the Crown of *Scotland* being now loſt and deſtroyed, if that the Charters of Homage made by King *John Baliol* were not recorded on our Rolls in the Tower, we could not be able to prove, unleſs by the Teſtimony of our Hiſtorians, that ſuch Charters had ever been made.

In this very Parliament alſo the *Deſpenſers*, Father and Son, *Edmund* late Earl of *Arundele*, who had been executed by the Queen's Party, without any legal Proceſs made againſt them; *Walter Stapleton*, late Biſhop of *Exeter*, and Sir *Richard Stapleton* his Brother, both beheaded in the Inſurrection at *London*, were attainted of High Treaſon, by the Direction, ſays *Joſhua Barnes*, of the Queen-Mother and the Lord *Mortimer*. Whether this Proceeding, adds he, was out of implacable Malice, which purſued them beyond the Grave, or to cover their late unjuſtifiable Actions againſt theſe Perſons by a Parliamentary Sanction, it is certain that, in all the Proceedings of this Parliament, the Honour and Profit of the King and Realm was not ſo much regarded, as the Enriching, Security, and Advancement of Lord *Mortimer* [k].

Anno Regni 2. 1328. At *Saliſbury*. Some Matters of Moment happening ſoon after this laſt Parliament, new Writs were iſſued out, bearing Date *Auguſt* 28, for another to meet at *Saliſbury* the *Sunday* next after the *Quindene*, or Fifteenth, of St. *Michael*,

[k] *Barnes's Edward* III. p. 28.

chael [l]. The Earl of *Lancaſter*, the Lord *Wake*, and ſome other Noblemen, refuſed their Attendance at this Meeting; the Earl giving for Reaſon, 'That being 'appointed by Parliament the King's Chief Counſellor 'and Guardian of his Perſon, the Lord *Mortimer* had 'now taken to himſelf the Regal Power, and would not 'permit him to come near the King, ſo as to adviſe and 'protect him according to his Truſt. That though it 'had been decreed that no Perſon whatſoever ſhould 'preſume to come armed to this Parliament, yet the [198] 'Lord *Mortimer* came with a great many armed Men, 'by which he the ſaid Earl did not think his Perſon in 'Safety.' This being certified to the King and Parliament, it was thought a very reaſonable Excuſe by ſeveral Lords; and the King's two Uncles, *Thomas* of *Brotherton* and *Edmund* Earl of *Kent*, went over to the Earl of *Lancaſter*'s Party. It was not long, however, before they deſerted him, and the Earl of *Lancaſter* was reduced to ſuch Straits, that, to make his Peace, he was obliged to aſk Pardon of the Queen and *Mortimer*, at the Head of his Army. K. *Edward* III.

At this Parliament the King's own Brother, *John* of *Eltham*, was created Earl of *Cornwall*, and Sir *James Botteler*, or *Butler*, of *Ireland*, Earl of *Ormond*: *Roger Mortimer*, Baron of *Wigmore*, was alſo made Earl of *March* [m].

The aforeſaid Lord *Mortimer* being now in the Zenith of his Power, ſought to eſtabliſh it by the baſeſt Means; and judging that *Edmund* Earl of *Kent*, the King's Uncle, ſtood in his Way, he ſubtilly drew him into a ſham Plot, in order to deſtroy him. The Manner of it is diſcourſed at large by the learned *Joſhua Barnes*, in his elaborate Hiſtory of this King's Reign, but is not to our Purpoſe. Sufficient it is to ſay, that *Mortimer*, knowing he had Proof enough againſt him, ſummoned a Parliament to meet at *Wincheſter* on the 13th of *March*, $13\frac{3}{30}$. Here the Noble Earl was attainted of High Treaſon, and, by the unanimous Conſent of his Peers, adjudged to Death. Hiſtorians do not agree in their Accounts, Anno Regni 3. 1329. At *Wincheſter*.

l The King himſelf appointed Deputies to open this Parliament, as appears by a Precept to the Prelates, Barons, *&c.* Dated at *Marlborough*, *Oct.* 5. *Fœd. Ang.* Tom. IV. p. 372.

m *Barnes*'s *Edward* III. p. 30. *Tyrrel* and *Brady*.

K. *Edward* III. counts of the Cauſe of it [n], but think that it was for deſigning to ſet his Brother, King *Edward* II. at Liberty; being made, through Artifice, to believe that he was then alive, and a Priſoner in *Cardiff* Caſtle, in *Wales* [o]. No other Buſineſs that we can find was done at this Parliament [p].

[199]

But it was not long before the Death of this Prince was amply revenged on the Authors and Contrivers of it. The young King being now come to a more mature Age, and being made a Father by the Birth of a Son, which his Queen brought him at *Woodſtock*, afterwards called *Edward* the *Black Prince*, began to look more about him, and endeavour to ſhake off the Fetters which his Mother and her Minion had put upon him [q]. To that End he, of his own Accord, ſummoned a great Council, or a Parliament, to meet at *Nottingham*, on the 14th of *October*, in the fourth Year of his Reign [r]. It was here that the King's Eyes were more open, and he was better informed about the Practices of his Mother and *Mortimer*; and that he himſelf was in no ſmall Danger if Things continued in the ſame State. All which being repreſented to him, by ſome well-affected Lords, the King gave Orders to them to ſeize *Mortimer*, and bring him to public Trial and Juſtice. The Manner how this Arreſt was executed is largely told by all our Hiſtorians, but particularly Mr. *Barnes*; the Earl's Perſon was ſeized, as well as all his Adherents, in the Caſtle and Town of *Nottingham*, and ſent Priſoners to the Tower

Anno Regni 4. 1330.

At *Nottingham*.

Mortimer, Prime Miniſter, apprehended.

[n] *Holling ſhead* writes, that the Earl confeſſed before the Parliament that he was about to reſtore his Brother to the Crown, by Command from the Pope, and in Conjunction with divers Lords and others, whom he there named. *Chron.* p. 348.

[o] *Knyghton*, col. 2559. The Earl ſtood till the Evening before the Caſtle Gates at *Winchester*, and no Man could be found to do the Execution; *Propter Pietatem quam habebant de eo, nam damnatus erat abſque communi Conſenſu.* At laſt a Villain, to ſave his own Life, beheaded him. See *Rapin* and his Annotator for the Earl's Confeſſion, at large, before the Parliament, p. 410, 411.

[p] In the *Public Acts* there is a Letter directed to the Archbiſhop of *Canterbury*, demanding an Aid from him and his Clergy, in *Auxilio contra Guerram* Franciæ, which is ſaid there to have been granted in a Parliament at *Eltham*, in the Beginning of the Year 1330, but no further Account can we meet with about it. *Acta Publica*, Vol. IV. p. 422. 423.

[q] *Froiſart* writes, that it was ſuſpected the Queen was with Child by *Mortimer*. *Froiſart*'s Hiſtory, fol. 14.

[r] *Deinde Rex tenuit Conſilium ſuum apud* Nottingham, *in quindena S.* Michaelis, *cum pene omnibus Magnatibus Regni.* Knyghton, col. 2555. Clauſ. 4 *Edw.* III. m. 29. d.

Tower of *London*. After which, the King being at *Leiceſter*, adjourned the Parliament from *Nottingham* to *Weſtminſter*, there to ſit on this extraordinary Affair, the 26th of *November* following. The Writ for ſummoning a new Parliament, or adjourning the laſt, being in a Form very unuſual, Dr. *Brady* has given us at Length in his *Appendix*, and an Abſtract of it in his Hiſtory. But a much more ſingular Writ than this, which was directed to the Archbiſhop of *Canterbury*, was ſent to all the Sheriffs in *England*; in which the evil Deſigns of the late Miniſter, in packing of Parliaments to his Purpoſe, is openly declared, and ſhews that this Practice has a much earlier Date than is uſually thought of. A Tranſlation of which, out of the *Public Acts*, in old *French*, claims a Place in our Inquiries [s].

K. *Edward* III.

[200]

The KING *to the* SHERIFF *of* Lancaſhire, *Greeting.*

The King's Writ to all the Sheriffs of *England*, relating to the electing Knights of Shires, for a Parliament to be holden on that Occaſion.

SINCE we have been lately informed that ſeveral Oppreſſions and Hardſhips have been put upon many of the People of this Realm, by ſome that were our Miniſters in diverſe Offices, aided by ſome of our Nobility, as well Privy Counſellors as others, ſo that our Affairs, by reaſon of the Tenderneſs of our Age, were managed by theſe People to our great Damage and Diſhonour, which Things we can no longer ſuffer, it is our greateſt Deſire that all Matters may be put in their due Eſtate, and theſe Wrongs and Miſpriſions redreſſed:

We therefore charge and command you, on the Faith which you owe us, that immediately without Delay you proclaim in your Juriſdiction, as well within Liberties as without, that all thoſe who can make Complaint of any Oppreſſions, Hardſhips, or other Grievances to them done, contrary to Right, and the Laws and Uſages of our Realm, ſhould appear at Weſtminſter, *at our enſuing Parliament, and make their Complaints to us, or to our Deputies, and we will ſee that they have as good and ſpeedy Relief as in Reaſon they can deſire.*

And, becauſe that, before this Time, ſeveral Knights, Repreſentatives for Counties, were People of ill Deſigns, and Maintainers of falſe Quarrels, and would not ſuffer that our good Subjects ſhould ſhew the Grievances of the common People, nor the Matters which ought to be redreſſed

[s] *Acta Publica*, Tom. IV. p. 453.

K. *Edward* III. *ſed in Parliament, to the great Damage of us and our Subjects:*

We therefore charge and command that you cauſe to be elected, with the common Conſent of your County, two, the moſt proper and moſt ſufficient Knights, or Serjeants [t], [201] *of the ſaid County, that are the leaſt ſuſpected of ill Deſigns, or common Maintainers of Parties, to be of our ſaid Parliament, according to the Form of our Writ which you have with you.*

And this we expect you ſhall do, as you will eſchew our Anger and Indignation.

Given at *Woodſtock*, *November* the third.

By the KING.

The Parliament being aſſembled at *Weſtminſter* [u], on [202] the Day appointed, the young King, it is ſaid, made a Speech

[t] The Word here is *Serjeante*, which we have tranſlated literally, not knowing well what to make of it. The Law Dictionary ſays this Word ſometimes ſignifies an Officer belonging to a County, the ſame which *Bracton* calls *Servientem Hundredi*, ſo the Steward of a Manor is called *Serviens Manerii*. But the true Meaning of the Word *Serjeante*, as we are informed by a learned Judge, [Mr. Baron *Smythe*] is Perſons holding of the Crown in Grand Serjeanty.

[u] The Names of the Peers ſummoned to this famous Parliament, extracted from the Abridgment of Parliamentary Records, will not be unacceptable to a curious Reader, p. 5.

Anno Quarto Edw. III. *ſummonitio Parliamenti.*

Rex, &c. Thom. *Com.* Norff. *& Mareſcallo* Angliæ, *&c. apud* Weſtm. *Die* Lunæ *prox. poſt Feſtum S.* Catharinæ, *&c. Teſt. apud* Leiceſt. *per Reg.* 23 Octobris.

Conſimiles Literæ diriguntur ſubſcriptis.

Johanni *Com.* Cornubiæ, *Fratri Regis*,
Henrico de Lanc. *Com.* Lanc.
Johanni de Warren, *Com.* Sur.
Johanni de Britannia, *Com.* Richm.
Roberto Vere, *Com.* Oxon,
Johanni de Bohun, *Com.* Heref. & Eſſex,
Tho. de Bello Campo, *Com.* Warr.
David de Strabolgi, *Com.* Athole,
Henrico de Percie,
Roberto de Clifford,
Willielmo de Latimer,
Henrico *Filio* Hugonis,
Johanni Petche,
Johanni de Mowbray,
Rado. de Nevil,
Anth. de Lacie,
Williel. la Zouch, *de* Mortuo Mari
Williel. la Zouch, *de* Harringworth,
Randolfo de Dacre,
Richardo de Damoroy,
Roberto de Morley,
Hugoni de Courtney,
Johanni de Bello Campo, *de* Somerſet,
Johanni de Cromwel,
Johanni de S. John,
Fulkoni de Strange,
Simoni Warde,
Johanni de Haverington,
Johanni de Claveringe.
Henrico de Cobham,
Rogero de Grey,
Henrico de Grey,
Stephano de Cobham.

Richardo

Speech to them, complaining much againſt the Conduct of the Queen and *Mortimer*; and that, with the Conſent of his Subjects, he deſigned to aſſume to himſelf the Reins of Government, tho' he was not yet arrived to the Age preſcribed by Law. The Parliament gladly conſented, all the Members being equally ready to ſecond his Deſigns. For this Hint of a Speech we have no better Authority than Mr. *Rapin*; where he had his the Marginal Notes do not declare; it is likely that the Matter was propoſed to the Parliament by ſome of the Miniſtry, it not being the Cuſtom in thoſe Days to ſpeak from the Throne, as the Reader will plainly find in the Sequel. Mr. *Tindal* indeed has added, from good Authority, that the King reſumed into his Hands, in this Parliament, all the Grants that had been made during his Minority.

K. *Edward* III. Anno Regni 4. 1330. At *Weſtminſter*.

The next Thing we find done at it, was the exhibiting the following Articles againſt the Lord *Mortimer*, which we ſhall here give, tranſlated from the *French* Original, now on the Rolls in the Tower, and are in Dr. *Brady*'s and Mr. *Tyrrel*'s Hiſtories, with the latter's Reflections on the further Proceedings of this Parliament [x].

Theſe are the Treaſons, Felonies, and Miſchiefs done to our Lord the King and his People, by Roger Mortimer, *and others of his Company.*

I. 'Whereas in the Parliament holden at *Weſtminſter* 'next after the King's Coronation, it was ordained, 'That

Articles of Impeachment againſt Lord *Mortimer*.

Richardo de Grey,
Thomæ Bardolfe,
Rado. Baſſet, *de* Draiton,
Rado. de Camoys,
Humfredo de Poinitz,
Hugo de Audele,
Phil. Darcye,
Willielmo de Eyme.
Roberto de Iſle,
Johanni de Marmion,
Philippo de Columber,
Tho. de Furnivall, *ſen.*
Tho. de Furnivall, *jun.*
Johanni de Mohun,
Jacobo de Audley,
Johanni Matrevers, *jun.*
Willielmo Blunt,
Bartho. de Burgherſhe,
Henrico de Ferrariis,
Johanni le Strange,
Johanni le Sherleton,
Bartho. de Burgherſhe, *Cuſtodi Quinque Portuum.*

We begin now to have this and the ſucceeding Parliaments better and more regularly entered on the Rolls than formerly. This Parliament, 4 *Edward* III. has this Introduction.

Recorda et Memoranda de hiis que fiebant in Parliamento ſummonito apud Weſtmonaſterio *Die Lunæ proximo poſt Feſtum Sanctæ* Catherine. *An. Reg. Regis* Edwardi *Tertii poſt Conqueſtum quarto, liberata in Cancellariam per* Henricum *de* Edenſtowe, *Clericum Parliamenti.*

[x] *Rymer*'s *Fœd.* Tom. IV. p. 476. See alſo a Copy of theſe Articles in *Knyghton*, col. 2556.

K. *Edward* III. ‘ That four Biſhops, four Earls, and ſix Barons ſhould ‘ remain with the King to adviſe him, and that four ‘ ſhould ſtill be with him, *viz.* one Biſhop, one Earl, ‘ two Barons at leaſt, and that no great Buſineſs ſhould ‘ be done without their Aſſent; after which Parliament ‘ the ſaid *Roger* not having Regard to the ſaid Aſſent, ‘ uſurped to himſelf Royal Power, and the Government ‘ of the Realm, above the State of the King, and put ‘ out and placed Officers in the King's Houſe, and other ‘ where throughout the Kingdom, at his Pleaſure, ſuch [203] ‘ as were of his Party, and ſet *John Wayward* and others ‘ about the King, to obſerve his Actions and Words; ‘ ſo as he was encompaſſed by his Enemies, that he ‘ could do nothing as he would, but only as a Man ‘ under Guard or Reſtraint.

II. ‘ Whereas the King's Father was at *Kenelworth*, ‘ by Order and Aſſent of the Peers of the Land, to ſtay ‘ there for his Eaſe, and to be ſerved as ſuch a great ‘ Perſon ought to be; the ſaid *Roger*, by his uſurped ‘ Power, which he exerciſed over him at his Pleaſure, ‘ ordered that he ſhould be ſent to *Berkley* Caſtle, where, ‘ by him and his Confederates, he was traiterouſly, felo- ‘ niouſly, and falſly murdered and killed.

III. ‘ The ſaid *Roger*, by his uſurped Royal Power, ‘ forbad, by the King's Writ under the Great Seal, ‘ That any ſhould come to the Parliament at *Saliſbury* ‘ with Force and Arms, under Pain of forfeiting what- ‘ ever they had to the King; yet thither he came, with ‘ others of his Party, with Force and Arms to the ſaid ‘ Parliament, contrary to the Prohibition aforeſaid; ‘ wherefore divers Peers of the Land, as the Earl of ‘ *Lancaſter* and others, knowing the Manner of his ‘ coming, would not be there: And whereas the Pre- ‘ lates were aſſembled in one Houſe, to conſult about ‘ the Buſineſs of the King and Realm, the ſaid *Roger* ‘ broke open the Doors of the ſaid Houſe with armed ‘ Men, upon the Prelates, and threatened them with ‘ Life and Member, if any of them ſhould be ſo hardy ‘ as to ſpeak or do any Thing contrary to his Pleaſure in ‘ any Point. And in the ſame Parliament, by the ſaid ‘ uſurped Power, he cauſed the King to make him Earl ‘ of *March*, and to give him and his Heirs ſeveral Lands ‘ in Diſheriſon of the Crown; and afterwards the ſaid *Roger*

'*Roger*, and thoſe of his Party, led the King armed K. *Edward* III.
'againſt the Earl of *Lancaſter*, and other Peers of the
'Land, as far as *Wincheſter*, when they were coming
'to the Parliament at *Saliſbury*, ſo that the Earl and
'other Peers, to avoid the Evils that might have hap-
'pened, out of Regard to the King, departed and went
'toward their own Countries, grieving that they could
'not ſpeak with, or adviſe, their Liege Lord as they
'ought to do.

IV. 'The ſaid *Roger*, by the ſaid uſurped Power, cau- [204]
'ſed the King to march forcibly againſt the ſaid Earl,
'and other Peers of the Land, who were appointed to
'be with the King to adviſe him; and ſo proſecuted them
'with Force, that the ſaid Earl and ſome others of his
'Company, that wiſhed well to the Kingdom, ſubmit-
'ted to the King's Grace, ſaving to them Life and Mem-
'ber, and that they might not be diſinherited, nor have
'too great a Fine ſet upon them; yet he cauſed them to
'be fined ſo grievouſly, that half their Lands, if ſold out-
'right, would only pay it; and others he cauſed to be
'driven out of the Nation, and their Lands to be ſeized,
'againſt the Form of the Great Charter, and Law of the
'Land.

V. 'Whereas the ſaid *Roger* knew well the King's
'Father was dead and buried, he, by others of his Party,
'in deceivable Manner, informed the Earl of *Kent* that
'he was alive; wherefore the Earl, being deſirous to
'know whether it was ſo or not, uſed all the good
'Ways he could to diſcover the Truth, and ſo long,
'till the ſaid *Roger*, by his uſurped Royal Power, cauſed
'him to be apprehended in the Parliament holden at
'*Weſtminſter*, and ſo purſued him, as in that Parliament
'he procured his Death.

VI. 'The ſaid *Roger*, by his uſurped Royal Power,
'cauſed the King to give to him and his Children, and
'Confederates, Caſtles, Towns, Manors, and Fran-
'chiſes in *England*, *Ireland*, and *Wales*, in Decreaſe of
'the Revenues of the Crown.

VII. 'The ſaid *Roger*, in deceivable Manner, cauſed
'the Knights of Shires, at the Parliament at *Wincheſter*,
'to grant to the King one Man at Arms out of every
'Town of *England*, that anſwered in the Court of the
'*Eyre* by four Men, and the Provoſt, (*i. e.* the Rieve
or

K. *Edward* III. ‘ or Bailiff of the Lord of the Manor) to ſerve at their
‘ own Coſt, for a Year in his War in *Gaſcoigny*; which
‘ Charge he contrived for the Advantage of himſelf and
‘ Party, in Deſtruction of the People.

VIII. ‘ The ſaid *Roger*, by his ſaid uſurped Royal
‘ Power, cauſed Summons to be ſent to many great
‘ Knights and others, that they ſhould come to the King
‘ where-ever he was; and when they came, he cauſed
[205] ‘ them to be charged to prepare themſelves to go into
‘ *Gaſcoigny*, or fine at his Pleaſure; which Fines were
‘ for the Benefit of him and his Party.

IX. ‘ The ſaid *Roger*, falſly and maliciouſly, made
‘ Diſcord between the King's Father and his Queen;
‘ and poſſeſſed her, that if ſhe went to him ſhe ſhould
‘ certainly be killed with a Dagger, or otherwiſe mur-
‘ dered; and by this Way, and his other Subtilties, he
‘ ſo ordered it, that ſhe would not come to her Liege
‘ Lord and King, to the great Diſhonour of her Son
‘ and Self, and great Damage of the whole Realm, per-
‘ chance, in Time to come, which God forbid.

X. ‘ The ſaid *Roger*, by his ſaid uſurped Royal Power,
‘ had cauſed to be taken, for him and his Party, the
‘ King's Treaſure, as much as he pleaſed, without Tale,
‘ in Money and Jewels, in Deſtruction of the King, ſo
‘ that he had not wherewithal to pay for his Victuals.

XI. ‘ The ſaid *Roger*, by the ſaid uſurped Power,
‘ cauſed to be ſhared between him and his Confederates
‘ the twenty thouſand Marks which came out of *Scotland*
‘ for the Articles of Peace, without any Thing received
‘ by the King.

XII. ‘ The ſaid *Roger*, by his above-mentioned Royal
‘ Power, received the King's Duties and Purveyance
‘ through the Kingdom, as if he had been King; and
‘ he and his Party had with them double the Company of
‘ Men and Horſe that were with the King, in Deſtruc-
‘ tion of the People, not paying for their Quarters any
‘ more than they themſelves pleaſed.

XIII. ‘ The ſaid *Roger*, by his ſaid Royal Power,
‘ cauſed the King to grant to the Amount of two hundred
‘ Charters of Pardon to thoſe *Iriſh* who had killed the
‘ Great Men of *Ireland*, and others, who were in the
‘ King's Faith; whereas the King ought immediately

‘ to

'to have revenged their Deaths, rather than pardon 'them, contrary to the Statute and Aſſent of Parliament [a]. K. *Edward* III.

XIV. 'The ſaid *Roger* contrived to have deſtroyed 'the King's ſecret Friends, in whom he had moſt Con- 'fidence; and he ſurmiſed to the King, in the Preſence 'of the Queen his Mother, the Biſhops of *Lincoln* and [206] 'Saliſbury, and others of his Council, that his ſaid ſecret 'Friends had excited him to combine with his (the ſaid '*Roger*'s) Enemies beyond Sea, in Deſtruction to the 'Queen his Mother, and of him the ſaid *Roger*; and 'this he affirmed ſo impudently to the King, that he 'could not be believed againſt what he had ſaid; and for 'theſe Things, and many others, not as yet fit to be 'declared, he had been apprehended: Wherefore the 'King charged the Earls and Barons, the Peers of the 'Land, as theſe Things concerned himſelf, themſelves, 'and all the People of the Realm, to do right and true 'Judgment upon him for the Crimes above-written, as 'being notorious, and known to be true, to themſelves 'and all the People of the Kingdom [b].'

Theſe Articles, though ſomewhat long, are here given at large, becauſe they give greater Light to divers Tranſactions in the three firſt Years of this King's Reign, than is to be had any where elſe.

Then the Earls, Barons, and Peers, having examined theſe Articles, came into Parliament before the King, and they all deliver'd their Opinion, by one of their Body, 'That all Things contained in the ſaid Ar- 'ticles were notorious, and known to themſelves, and all 'the People; wherefore they, as Judges in Parliament, 'by Aſſent of the King, did award and judge the ſaid *Ro-* 'ger, as a Traitor and Enemy to the King and Kingdom, 'to be drawn and hang'd, and commanded the Earl Ma- 'reſchal to execute the Judgment, and the Mayor, Alder- 'men, and Sheriffs of *London*, with the Conſtable of the 'Tower, and thoſe who had the Guard of him, to be aid- 'ing and aſſiſting with the Earl Mareſchal at the Execu- 'tion; which was performed accordingly on the 29th of *November*,

He is condemned and executed.

[a] This Article is moſt wretchedly mangled in both Dr. *Brady*'s and Mr. *Tyrrel*'s Tranſlations; in the Original it is as we have given it.

[b] The Original ſays, *Item le dit* Roger *compaſſadaver Deſtruyt les* Nurriz *le Roy, & ceux que furent ſes plus ſecrez, &c. Norriz.* muſt be the ſame as *Nourriſſe*, the King's Nurſe; but we have not adventured to tranſlate it.

K. *Edward* III. ‘ *November*, 1330, at a Place then called the *Elms*, and ‘ now *Tyburn*, the third Day after the Meeting of this ‘ Parliament.’ His Body, after it had hung two Days and two Nights, was granted to the Fryars-Minors, who buried it in their Church, now called *Chriſt Church* [d].

[207] Next, the King in this Parliament charged the Earls, Barons, and Peers, to give right and true Judgment againſt *Simon de Bereford*, Knight, who had been aiding and adviſing with *Roger Mortimer* in all the Treaſons, Felonies, *&c.* for which he was afterwards adjudged to die, as was notoriouſly known to the ſaid Peers; whereupon they came before the King in Parliament, and ſaid all with one Voice, ‘ That the ſaid *Simon* was not their ‘ Peer, and therefore they were not bound to judge him ‘ as a Peer of the Land: But ſince it was a Thing ſo ‘ notorious, and known to all that he was adviſing, aid- ‘ ing, and aſſiſting the ſaid *Roger* in all the Felonies, ‘ Treaſons, and Villanies aforeſaid, which were to the ‘ Uſurpation of Royal Power, the Murder of their Liege ‘ Lord, and Deſtruction of the Royal Blood; and that ‘ he was guilty of divers other Felonies and Robberies, ‘ and a principal Maintainer of Robbers and Felons, ‘ they, as Peers and Judges of Parliament, by Aſſent of ‘ the King, do award and adjudge him, as a Traitor and ‘ Enemy to the King and Realm, to be drawn and ‘ hang'd; and the Earl Mareſchal was commanded to do ‘ Execution;’ which was alſo done on *Monday* next after the Feaſt of St. *Thomas* the Apoſtle.

As are alſo ſeveral others of his Confederates.

But it appears by the ſame Parliament Roll, that it was then alſo declared, That tho' the Lords and Peers in Parliament had for this Time, in the King's Preſence, proceeded as Judges to give Judgment upon thoſe that were no Peers; yet hereafter this ſhould be no Precedent to draw them to give Judgment on any other but their Peers, in Caſes of Treaſon or Felony.

Then the Peers proceeded and paſſed Judgment upon the principal Actors in the Murder of the late King *Edward*, and the Death of *Edmund* Earl of *Kent*; and, for the latter of theſe, Sir *John Maltravers* being found guilty in making him falſly to believe that the ſaid King was

[d] *Prediƈtus* Rogerus *ut Proditor et Inimicus Regis et Regni, diſtraƈtus ſit et ſuſpenſus, tertio Kal.* Septembris *apud* Londonias; *cujus Corpus duobus Diebus et Noƈtibus nudum pendebat ſuper Furcas. Deinde traditum eſt Corpus ſepeliri apud* Fratres Minores London. *Knyghton*, col. 2556.

was alive, the ſaid *John* was ſentenced to be drawn, hanged, and beheaded as a Traitor, when and wherever he ſhould be found; and the Peers prayed the King to iſſue forth his Proclamation, That any one who could take him alive, and bring him to the King, ſhould have a thouſand Marks; and if he could not be taken alive, he that ſhould bring his Head, ſhould have five hundred Pounds of the King's Gift. K. *Edward* III. [208]

But it ſeems ſtrange that this Man, who is reported by all our Hiſtorians to be as much concerned as any in the Murder of King *Edward*, ſhould not be now condemned for that, but another leſs Crime; which makes me ſuppoſe, ſays *Tyrrel*, that there was not ſuch ſufficient Proof made out againſt him of that Murder, as there was of the other: But, notwithſtanding this Price which was put upon his Head, it is certain he was never taken, but lived a baniſhed Man in *Germany*, at the Time when our Author wrote his Chronicle [e].

Further, the ſame Judgment was given againſt *Bogo de Bayons* and *John Daveril*, for the ſame Cauſe, and he that could take *Bogo* alive, and bring him to the King, ſhould have a hundred Pounds; or if he brought his Head, he ſhould have a hundred Marks; alſo he that could take *John Daveril* alive, and bring him to the King, ſhould have a hundred Marks, or if he could bring his Head, he ſhould have forty Pounds.

The ſame Judgment was given likewiſe againſt *Thomas de Gurney* and *William de Ocle*, for the Death of King *Edward*, 'That they had falſly and traiterouſly 'murdered him;' and he that could take *Thomas* alive, was to have a hundred Pounds; or if he could bring his Head, a hundred Marks: He that could bring *William de Ocle* alive, was to have a hundred Marks, or for his Head, forty Pounds.

What became of this *de Ocle* we don't find, but as for *Gurney*, he was, not long after, ſeized at *Marſeilles*, in *France*, and being put on board a Ship, in order to be brought over to *England*, was, by Order of the Captain, (who, no Doubt, had his Orders) beheaded at Sea; leſt, if he arrived, he ſhould accuſe ſome Prelates and other Great Men, as being privy in conſenting to the ſame Crime.

[e] Adam. de Mirimeuth, *ad hunc An.*

K. *Edward* III. At the Close of all these Judgments for Death, &c. is another Declaration of the Peers, 'That they should not be drawn into Consequence, nor be made injurious to their Privileges for the Time to come.' Amongst the Pleas of the Crown in this Parliament [f], there is recorded the Arraignment of the Lord *Thomas de Berkeley*, for the Death of *Edward* II. to this Effect; For that the [209] said King was committed to the keeping of the said *Thomas* and *John Maltravers*, in the Castle of the said Sir *Thomas* at *Berkeley*, when he was murdered; the said Sir *Thomas* saith, 'That, at the Time of the Death of 'the said King, he was sick at *Bradelye*, without the 'said Castle, and knew not what was done there, nor 'was consenting thereunto;' and thereupon put himself upon his Trial by twelve Knights, named in the Record, who found him Not guilty, nor that he fled, or withdrew himself upon it; but since he had placed under him *Thomas de Gurney* and *William de Ocle* to keep the King, by whom he was murdered, he had a Day given him to hear his Judgment in the next Parliament; and, in the mean Time, he was committed to Sir *Ralph Nevill*, Steward of the King's Household.

In this Parliament *Edward*, the young Earl of *Kent*, was also restored to his Father's Honours and Estate, as hath been already observed; for, being encouraged thro' the Clemency as well as Justice shewn by the King to *Richard*, Son of the late Earl of *Arundele*, he also pray'd to be restored to his Blood, Lands, and Goods, seeing his Father was put to Death, not being tried by his Peers, according to the Great Charter and the Law of the Land; but because the Attainder was confirm'd by Parliament at *Northampton*, he mended his Petition, and prayed to be restor'd of the King's meer Grace; which was granted accordingly.

Also, in the same Parliament, the Prelates, Earls, and Barons, prayed and advised the King to give and grant a Thousand Pounds *per Annum* to Sir *William Montacute*, and his Heirs, for his Service in taking *Roger Mortimer*, Earl of *March*, and his Confederates, without Bloodshed; a Thousand Marks whereof was to be out of the Lands of *Mortimer*. And, upon the like Prayer and Advice, his Assistants, *viz.* *Edward Bohun* had

[f] *Rot. Parl. A. R. R.* Edw. III. 4°.

had four hundred Marks *per Annum* to him and his Heirs; *Robert de Ufford* three Hundred, and *John Nevill* two Hundred. K. *Edward* III.

The reſt of the moſt conſiderable Tranſactions of this Parliament are, That *William* Archbiſhop of *York*, *Stephen* Biſhop of *London*, *William* Abbot of *Langdon*, *William* Lord *Zouch* of *Mortimer*, and many others, who had agreed with *Edmund*, late Earl of *Kent*, for the Delivery of the late King *Edward*, and been thereof impeached, were now wholly acquitted, and fully reſtored to all their Goods and Poſſeſſions. [210]

It was alſo ordered, That thoſe who had taken up Arms with *Henry* Earl of *Lancaſter* at *Bedford*, in which the Mayor and Citizens of *London* were included, or had been concerned in the Matter of *Edmund*, late Earl of *Kent*, ſhould be releaſed of all Fines impoſed on that Account; and that their Lands, which were therefore ſeized into the King's Hands, ſhould be reſtored with the Meſne-Profits, *&c.* and therefore the King pardoned *Henry* Earl of *Lancaſter*, and all thoſe who took Part with him, all Fines and Ranſoms whatſoever.

And farther, we find, that ſoon after the News of *Mortimer*'s Fall, and the Knowledge of this Pardon, *Thomas* Lord *Wake*, *Hugh* Lord *Audeley*, *Henry* Lord *Beaumont*, Sir *Thomas Roſſelin*, Sir *William Truſſel*, Sir *Thomas Withers*, and the reſt whom *Mortimer*'s Power had forced beyond the Seas, returned from *France*, and were received as their Loyalty deſerved; being by the King freely reſtored to all their Lands and Poſſeſſions.

But before we take Leave of this Parliament it is neceſſary to obſerve, That there was an Act [g] paſſed in it for the holding one once a-year, or oftener, as Occaſion required. And now this Parliament, having diſpatched a great deal of Buſineſs in a ſhort Time, was diſſolved a little before *Chriſtmas*; when the King went down into the Country to divert himſelf, and kept that Feſtival at *Wells*.

With *Mortimer* fell alſo the Queen-Mother's Power and Authority at Court; and tho' we find nothing in the Records of this Parliament relating to her, we may ſuppoſe it was in Reſpect to the King, who dutifully declin'd And the Queen-Mother made Priſoner for Life.

g Vide *Stat. at large* 4 *Edw.* III. cap. xiv. This Act is not entered on the Rolls.

K. *Edward* III. declin'd calling her into Queſtion. He thought proper however to confine her for Life, and ſhe continued a State Priſoner, in the Caſtle of *Riſings*, near *London*, all the reſt of her Days; with an Allowance of three thouſand Pounds a Year for her Maintenance.

Anno Regni 5. 1331. At *Weſtminſter*.

In the fifth Year of this King's Reign he called a Parliament at *Weſtminſter* to meet the Day after *Michaelmas-Day*; in which the Biſhop of *Wincheſter*, Chancellor, declared the Cauſe of the Summons to be, 'Concerning the Duchy of *Guyenne*[1], and the King's Poſſeſſions beyond Sea, whether Peace ſhould be made or other Iſſue put to the Diſſentions between the Kings of *England* and *France*, by reaſon of the ſaid Territories. As alſo about Affairs in *Ireland*, concerning the King's going thither, to ordain how Peace might be the beſt kept in that Nation.' It was agreed that the King's Buſineſs ſhould be preferred before any other.

[211]

Upon this the Chancellor applied himſelf to the Prelates, Earls, Barons, and other Great Men, for their Advice, 'Whether they thought it beſt for the King to proceed by Way of Proceſs of War, or by an amicable Treaty with the King of *France*, for the Reſtitution of *Guyenne*?' The Parliament agreed to the laſt, as the leaſt dangerous Way of proceeding; and that the King was to nominate Commiſſioners for that Purpoſe; who accordingly named the Archbiſhop of *Canterbury*, the Chancellor and Treaſurer, the Biſhops of *Ely* and *Worceſter*, the Earls Marſchal and *Warren*, Sir *Henry de Beaumont*, Sir *Henry de Percy*, Sir *Hugh de Courtnay*, Sir *Geoffry le Scrope*, Sir *William de Herle*, Sir *John de Stonere*, and Sir *John de Cantebrigg*, [*Cambridge*] to take out of this Number whom he pleaſed, to be ſent as Ambaſſadors to the *French* King, in order to treat of a Peace, and a good Agreement between them.

As to *Ireland*, it was reſolved, 'That the King in Perſon ſhould go thither; but, to prepare his Way, a certain Number of Forces, under able Commanders, ſhould be ſent before him, and that thoſe eſpecially that held any Lands there, ſhould go ſpeedily over for the Defence of that Kingdom.' Alſo it was ordained, 'That all learned Men in the Law, who ſhould be appointed as Juſtices, ſhould by no Means be excuſed on any Pre-

[1] *Duchee de* Guyenne. Rot. Parl. 5 *Edw.* III.

'Pretence whatſoever.' And further, it was ordered, K. *Edward* III.
'That Search ſhould be made into his Majeſty's Records,
'to ſee what Methods had been formerly taken for the
'civilizing and well-governing the People of *Ireland*.

In this Parliament Sir *Hugh Deſpenſer*, Grandſon and Son to the two former *Hughs*, put to Death by Queen *Iſabel* and *Mortimer*, having obtained the King's Pardon, for valiantly defending his Caſtle from the Queen, was now wholly acquitted of that Crime, and his Bail diſcharged [c]. *Thomas* Lord *Berkeley*, who was alſo acquitted laſt Year, petitioned to have his Manupriſors diſcharged; and it was done accordingly. Mr. *Barnes* obſerves, That it was the Cuſtom in thoſe Days, when any one had been tried as an Offender againſt the King, and was acquitted, or had his Pardon, yet nevertheleſs he was to provide twelve of his Peers to be Sureties for his forth-coming during the King's Pleaſure. The Diſcontinuance of which Cuſtom, adds he, has been too uſeful to Traitors in our Days [d]. Several Pardons granted. [212]

It was here alſo moved in full Parliament, either, ſays our Author, in Compaſſion of Innocence, or becauſe all their Reſentment was ſatisfied in the Execution of *Mortimer*, that the King would be graciouſly pleaſed to extend ſome Favour to *Edmund*, eldeſt Son to the late Earl of *March*. At which bold Requeſt the King being offended, as imagining that they petition'd for a full Reſtoration of his Father's Lands and Honours, aſked them with ſome Emotion, 'What they would have, ſince his 'Father had been murdered by the Procurement of the 'ſaid Earl?' The Parliament's Anſwer was, 'That they 'only ſpoke in the young Man's Behalf for ſome certain 'Lands entailed.' To which the King replied, 'That 'he would do in that Matter what he himſelf thought 'fit.' This Severity is ſaid to have broke this young Lord's Heart; but his Son, then a Child, was reſtored to all his Grandfather's Honours and Poſſeſſions, three-and-twenty Years after, by this very King.

In this Parliament it was agreed, that all Feats of Arms, as Juſts, Turnaments, *&c.* ſhould be forbid, as well by the Juſtices as others, untill the King and his Council ſhould otherwiſe appoint.

c The Bones of his Grandfather and Father were alſo granted to him to be taken down and buried in Chriſtian Burial. *Fœd. Ang.* Tom. IV. p. 461.
d *Barnes*'s Edw. III. *p.* 63. *Temp.* Car. II.

K. *Edward* III. Alſo that *Iſabel*, the Queen-Mother, ſhould have yearly three thouſand Pounds, in Rents and Lands, allowed her for her Maintenance.

And that none of the Eſtates in Parliament ſhould retain, ſuſtain, or avow any Felon, or other common Breaker of the Law. Alſo,

It was enacted, That no Purveyance of Victual ſhould be made, but for the King, Queen, and Royal Family, and that by good Warrant and ready Payment [e].

An Ordinance was made to regulate the current Coin of the Kingdom, which had been counterfeited abroad, and was imported by foreign Merchants.

Laſtly, it was agreed by the King and his whole Parliament, That the Biſhop of *London* ſhould reſide near the King till the Meeting of the next Parliament, in order to adviſe for the beſt, along with the Chancellor, Treaſurer, and others.

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The Neceſſity of the King's Affairs obliging him to have frequent Parliaments, another was ſummoned by Writ to meet at *Weſtminſter*, *March* 12, 1332; reciting in the Summons the King's Reaſons for calling them. Where, that we may ſee, ſays *Joſhua Barnes*, (who we find had diligently ſearched into, and examined, all the Records of this Reign) what prudent Care was then taken, by theſe auguſt Aſſemblies, that their Debates ſhould not be awed by Fear, or diſturbed by Tumults, it was firſt, by the King's Order, proclaimed, 'That no 'Man, upon Pain of forfeiting all his Subſtance, ſhould 'preſume to uſe or wear any Coat of Metal, or other 'Weapon offenſive or defenſive, in *London*, *Weſtminſter*, 'or the Suburbs of the ſame [f]: And alſo that, during 'the Time of this Seſſion, no Games, or other Plays, of 'Men, Women, or Children, ſhould be uſed in *Weſt-'minſter*, to the Diſturbance of the Parliament.' Here alſo, adds he, we ſhall mention the laudable Cuſtom of Parliaments in thoſe Days, whereby certain Committees were appointed not only to be Receivers, but alſo Tryers of Petitions, who were to inquire of the Matter of Fact expreſſed in the Petition; that ſo it might be cleared and rightly ſtated before it came to be debated in full Parliament:

Anno Regni 6. 1332.

At *Weſtminſter*.

[e] *Barnes*'s *Edw.* III. p. 64. See *Statutes at large*, *An. Reg.* 5 Edw. III.

[f] The Arms prohibited were Coats of Mail, Haubergeons, Swords, or long Knives. *Rot. Parl.* 6 Edw. III. N°. 3.

ment: But of this we have more largely treated in a former Reign. K. *Edward* III.

At the Meeting of this Parliament the Chancellor opened the Seſſion with a Speech in the Nature of a Sermon [g], more fully declaring the King's Reaſons for calling them: The Purport of which was to acquaint them, 'That his Majeſty had received a Meſſage that the 'King of *France*, with many other Kings and Princes, 'having appointed to go to the *Holy Land*, in the pre- *Edward* invited, 'ſent Month of *March*, they much deſired the Company by the King of 'of the King of *England*, for the better ſtrengthening *France*, to go to 'themſelves againſt the common Enemy of Chriſten- the *Holy Land*. 'dom; the King therefore deſired the Advice of this 'Parliament, whether it was proper to accompany them 'in this Expedition or not.' Then Sir *Geoffrey Scrope* of *Maſham*, in the King's Preſence, and at his Command, declared further, 'That this Meeting was called as well 'to redreſs the Breaches of his Laws and his Peace, as 'for the Voyage to the *Holy Land*: That the King was 'informed, and it was notorious to all, that divers 'People, defying the Law, were gathered together in 'great Companies, to the Deſtruction of the King's [214] 'Subjects, the People of Holy Church, and the King's 'Juſtices; taking and detaining ſome of them in Priſon, 'untill, to ſave their Lives, they had received great 'Fines and Ranſoms, at the Pleaſure of the Evil-doers; 'putting ſome to Death, robbing others of their Goods 'and Chattels, and doing other Miſchiefs and Felonies.' Therefore he the ſaid Sir *Geoffry*, on Behalf of the King, charged the Prelates, Earls, Barons, and others, there aſſembled, on their Faith and Allegiance, 'That they 'ſhould adviſe him, firſt, concerning his Voyage to the '*Holy Land*, which he very much deſired to undertake; 'as alſo how the Peace might be kept, and how theſe 'Rioters might be chaſtiſed and reſtrained from their 'Wickedneſs.'

After theſe Speeches were ended, the Archbiſhop of *Canterbury* ſtood up and ſaid, 'That it did not properly 'belong to their Function to be preſent at criminal De- 'bates;' and, with a Proviſo of reſerving their Rights ſtill to themſelves and Succeſſors, withdrew, with the Proctors of the Clergy, to conſult by themſelves. The 'Earls,

[g] *En Fourme de Predicacion.*

K. *Edward* III. Earls, Barons, and other Grandees, consulted also apart, and the Representatives of the Commons apart, they at that Time having no particular Speaker.

The Result of these separate Consultations was, that the Lords and Great Men returned into the King's Presence; and, by the Mouth of Sir *Henry Beaumont*, whom they had then chosen to deliver it, declared that their Advice to the King was, 'That he should ordain Justices in every County of the Kingdom, for the Conservation of the Peace against Offenders, with Power 'to punish and repress them; and, further, that certain 'Officers should be appointed for apprehending Malefactors, and levying the Hue-and-Cry [h].' Accordingly Commissions were issued out to the Sheriffs, and best Men of every County, to apprehend and imprison, and raise the *Posse-Comitatus* against them, and cause them to be indicted and punished according to their Deserts.

Justices of the Peace first appointed.

The Prelates and Clergy had drawn up a Sentence of Excommunication against these Malefactors, which was agreed to by the King, Earls, Barons, Knights of Shires, and Commoners [i], and ordered to be pronounced against them in the Church of St. *Paul*, *London*, and afterwards sent to all the Bishops in *England*, to be published in their respective Dioceses. In which Sentence were included, 'All those who disturbed the Peace and Quiet 'of Holy Church and the Realm; especially such as 'made Alliances and Associations, by Covenants, Obligations, or Confederacies; all the Receivers, Favourers, 'or Defenders of them; and all such Covenants, Obligations, Confederacies, and Alliances were declared 'void.' To which the Prelates added, 'That if any 'Oaths had been taken to confirm them, they also were 'annulled and made of no Effect.'

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These

h *Lever Hu et Crie.* In Orig.

We have not altered the Text here, as it runs in our first Edition, but we have since found that Justices of Peace were made earlier than this Time, *viz.* the first of this King, *Anno* 1327: For in the *Statutes at large* in that Year, chap xvi. there is this Title, *Who shall be assigned Justices and Keepers of the Peace:* And, in the Body of the Act, *The King wills that, in every County, good and lawful Men, which be no Maintainers of Evil, or Barrettors in the Country, shall be assigned to keep the Peace.*

See also Statute 4 *Edward* III. cap. ii. *Statutes at large.*

i *Par nostre Seigneur le Roy, Prelatz, Countes, Barons, et outre Grantz, Chivalers de Countees, Gentz de Commune, &c.* In Orig. N°. 5.

These domestic Disturbances had been occasioned by Defect of good Government during the King's Minority; by which a great many bold, dissolute Fellows had associated themselves in great Companies, and, keeping the Woods and Forests, robb'd all that passed those Ways. Their Insolence was at that Time grown to such a Height, that they took Sir *Robert Willoughby*, the Lord Chief Justice, then travelling towards *Grantham*, to put the Statute of *Trail-Baston* in Execution against such Malefactors, and forced him not only to pay a Ransom for his Life, but to swear never to discover them. However he complained to the King and Parliament of this Villainy, which occasioned the foregoing Regulations to be made. K. *Edward* III.

After settling their domestic Concerns, this Parliament went upon the Consideration of foreign Affairs; and it was unanimously agreed, That the Time mention'd by the *French* King, for *Edward* to join with him in the Crusade, was too short for that Purpose.

Then Sir *Geoffry Scrope*, by the King's Command, told them, 'That whereas, in the last Parliament at '*Westminster*, it had been agreed that the Differences on 'Foot between the Kings of *England* and *France*, con- 'cerning the Territories beyond Sea, should be recon- 'ciled by Treaty, by Way of Marriage, or by some [216] 'other amicable Manner; that thereupon the King had 'sent his Commissioners to the *French* King, who had 'treated with them, and reported back, that his Maje- 'sty of *France* told them, that if it pleased their Master 'to come over in Person, he would shew more Favour 'to him than to any other. Wherefore it was necessary 'to send speedily to the said King, and for this End the 'Advice of the Parliament was demanded, whether the 'King should go over in Person or not.' The Parliament consented to his going, in Hopes that all Obstacles towards an Agreement between them might be thereby removed, and much Advantage accrue to the Realm. They advised also, that the *Irish* Expedition might be postponed for this Year; but that an Army should be sent over into that Country.

There are some Observations which must necessarily be made on the Conduct of this particular Parliament, in order to illustrate our Historical Proceedings. It is re-

K. *Edward* III. remarkable that this is the first Time that we can find that the Commons ever separated from the Lords and made a distinct House by themselves, though without a Speaker. Also that the lower Clergy were present at this Parliament, represented by their Proctors, sat by themselves, the Bishops included, and not with the Lay-Commons, as some Writers, without any just Grounds, have asserted. It seems here, likewise, that Justices of Peace, such as we have at this Day in Power, were first established [i]. And lastly, that tho' this Parliament did not sit a whole Week, yet it shews how much Business was dispatched in a few Days, when all Things were drawn up and ready prepared by the King and his Council beforehand. Yet, tho' the King gave Leave for the Knights of Shires, Citizens and Burgesses, with those of the lower Clergy, to return home, he ordered the Lords and his Counsellors in Parliament to tarry longer, to have their Advice in some other Matters of great Moment which he had to propose to them.

[217] About this Period an Opportunity offered for this King *Edward* to recover all in *Scotland* which his Father had lost. Some *English* Lords, who were Borderers to that Kingdom, judged this a fit Time to revenge the late Injuries on the *Scots*, because *David Bruce* their King was a Minor, and their two great Generals, *Douglas* and *Randolf*, both dead: Having made the Lord *Baliol* their General, they first invaded, and then carried on their Conquests in that Kingdom with great Success. The News of these Exploits had not yet reached *England*; and *Edward* had called another Parliament to meet on the 9th of *September* [k] at *Westminster*, the same Year, where the Bishop of *Winchester*, Lord-Chancellor, declared, 'That the Cause of their meeting was about 'the Affairs of *Ireland*, and the King's going over there 'in Person to quell the Rebels, who had done great 'Mischiefs in that Country.' The Parliament adjourned to *Thursday* following, to consider of this Affair, they were alarmed with some sudden News out of the North, which made them fear an Invasion from the *Scots*; whereupon the Lords and Commons did each, by their several

Anno Regni 6. 1332.

At *Westminster.*

[i] Called in the Record, *Gardeins des Countees, pur le Pees garder, et l'Empeschement des Malveys*, &c.

[k] *Lendemayn de la Nativité notre Dame, par Jour de* Mesk erdi [Mecredi] *Rot. Parl.* 6 Edw. III. *in Tricio.*

several Petitions, advise and request the King not to go into *Ireland*, but to send a sufficient Supply of Men and Money, whilst himself marched a strong Army towards the North, in order to watch the Motions of the *Scots*. For this Expedition the King had a Fifteenth granted him of all the Personal Estates of the Prelates, Lords, and Knights of Shires; and a Tenth of the Cities and Boroughs [m]: But they desired, 'That the King would 'please to live of his own, without grieving his Subjects 'by outragious Prizes, or such-like illegal Taxations.' Hereupon the King revoked the late new Commission for raising of certain Tallages or Customs, and promised from henceforth to settle the same according to the old Rates, and in some Haste broke up this Parliament.

K. *Edward* III.

A Supply granted for the Recovery of *Scotland*.

Very soon after this Parliament was dissolved, the King removed his Court to *York*, in order to receive the speedier Account of the Posture of Affairs in *Scotland*. Here it was that he met the agreeable News of the Success gained by the Lords aforesaid; and that they had actually gone so far as to bring about a Revolution in that Kingdom, and to crown *Baliol* King of *Scotand* at *Scoon*. *Edward*, upon this, immediately summoned a new Parliament to meet at *York*, a few Days before the Feast of St. *Michael*; but they did not meet till the 2d of *December* following [n]. We find that Sir *Geoffry*

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[m] In a marginal Note in our Copy of the Records is put, *Le* 15me *de la Communiaute et le* 10me *de Citeys et Bourgs, a Cause que le Merchands et Gens de mestier sont riches en Argent.*

[n] The King's Letter to the Archbishops, Bishops, *&c.* appointing certain Persons to open this Parliament in his Stead, is as follows:

Rex Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, & omnibus aliis, ad instans Parliamentum nostrum summonitum, conventuris, salutem.

Quia propter aliquas certas Causas sumus ad præsens præpediti, quominus, ista Die Veneris, *apud locum prædictum personaliter accedere valeamus, Nos,*

De Circumspectionis & Industriæ Magnitudine dilectorum & fidelium nostrorum Venerabilis Patris W. Eborum *Archiepiscopi,* Angliæ *Primatis, Magistri* Roberti de Stratford, *&* Galfridi le Scrope, *plenam Fiduciam obtinentes; eis, & duobus eorum, ad incboandum, Nomine nostro, Parliamentum prædictum, & ad faciendum ea quæ pro nobis & per nos facienda fuerint, usque Adventum nostrum ibidem, plenam tenore Præsentium committimus Potestatem.*

Et ideo vobis mandamus quo eisdem Archiepiscopo, Roberto *&* Galfrido, *& duobus eorum, intendentes sitis in Præmissis in Forma prædicta.*

In cujus. &c.

Teste Rege apud Knaresburgh, *primo Die* Decembris.

Per Breve de Privato Sigillo.

Fœd. Ang. Tom IV. p. 539.

K. *Edward* III. *fry Scrope* was again the King's Prolocutor on this Occaſion; and declared the Reaſon of that Meeting was, 'That the King having lately underſtood that the Lord '*Baliol* had cauſed himſelf to be proclaimed King of '*Scotland*, and that the Truce with *David Bruce* was 'newly expired, he demanded their Advice whether he 'ſhould fall upon *Scotland*, in his own Name, and claim 'the Dominion thereof as his own Right; or elſe, by 'joining with King *Baliol*, ſhould take the Advantage 'of recovering the Homage and Services his Anceſtors 'had enjoyed.' But becauſe great Part of the Prelates and Clergy were abſent, nothing was then reſolved on, but the Parliament was adjourned to the Octaves of St. *Hilary*, or the 5th of *January* following; the King being obliged to ſend out freſh Summons, ſtrictly enjoining all Perſons to attend, and to delay no longer, or hinder, the King's weighty Affairs on any Pretence whatſoever.

The Parliament adjourned, on Account of a Diſpute between the two Archbiſhops.

This laſt Diſappointment was entirely owing to Spiritual Pride; the two Archbiſhops diſputed about bearing of their Croſſes in each other's Province. *Canterbury* and all his Clergy refuſed to come thither, becauſe the Metropolitan of *York* claimed to bear his Croſs equal with the other in his own Dioceſe. This Obſtinacy in the Archbiſhop of *Canterbury* loſt the King a fine Opportunity of marching his Forces againſt *Scotland*; beſides the Indignity offered to the King himſelf, and the inſupportable Trouble and Expence which muſt accrue to the whole Kingdom by a new Meeting.

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However, at the Time of Adjournment, all appeared; and on the firſt Day of their Sitting Command was given to the Mayor of *York*, in Preſence of the King and all his Parliament, to ſee the King's Peace kept in the ſaid City and Suburbs thereof, and to arreſt all that offended againſt it: Alſo Proclamation was made againſt Weapons and Plays, by the Steward and Mareſchal, before the Houſe where the Parliament ſat, and by the Mayor and Bailiffs in the City.

After all this Formality, our Records are ſhort as to any notable Tranſactions of this Parliament. They only acquaint us that Sir *Geoffry Scrope* by the King's Command, declared to the whole Aſſembly the Circumſtances of the two laſt Meetings, and that the Affairs then treated

of

of were left to a Committee, of which the Bishop of *Winchester* was Chief: And two Days after the said Bishop, from the Committee, declared, That he and they had consulted about the King's Claim in *Scotland*; but, because it was a Matter of great Consequence, they had not come to any Resolution about it, only that they wished the King would take the Advice of the Pope and the *French* King for his better proceeding therein: So, after having appointed Wardens of the North Marches, the King dissolved this Parliament [g]. K. *Edward* III.

Some Chronicles tell us that the Lord *Beaumont*, the Earl of *Athole*, and several other Lords, who had been engaged with King *Baliol* in the *Scots* Affair, appeared at it, being sent by the said King to use all their Interest to engage *Edward* and the Parliament to declare in his Favour. At the same Time came certain Envoys from King *David Bruce*, 'to beseech the King that he would 'give no Assistance to his Enemy; but rather to aid him, 'who was his Brother-in-Law and Ally, with whom also 'he was then at Amity.'

It does not appear that any direct Answer was given to either of these Petitions; it is only said that the King was advised 'not to act against his own Subjects, who had lost 'all their Estates in *Scotland* by the late Articles of Peace, 'and who had taken up Arms only to regain them [h].

It may readily be imagined, by the Consequences of Affairs, that the Politics of those Times inclined the King to take this Advice: For though he religiously kept the late Treaty with *Scotland* on his own Part, yet no sooner was the four Years Truce expired, but he sent Ambassadors to *David*, the young King, demanding a Restitution of *Berwick*, and that he should come and do his Homage to the King of *England*. This being utterly denied by *David* and his Nobility, they declared War against the *Scots*, and, according to their Instructions, defied their King.

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For the more effectual carrying on of this War, *Edward* had summoned a Parliament [i] to meet at *York*, about the Beginning of *March* 1333. Here he acquainted Anno Regni 7. 1333. At *York*.

[g] *Et que le Roi voloit prendre lavis du Pape et auxint du Roi de Fraunce, &c.* Rot. Par. 6 *Edward* III.

[h] *Tyrrel, Barnes*, and *Brady*.

[i] On *Monday* in the second Week of *Lent*, *Walsingham*, p. 133.

K. *Edward* III. quainted them with his Design of marching directly into *Scotland* in Person, to assist King *Baliol*, and reduce *Berwick* to his Obedience; which the whole Assembly readily agreed to. They gave their Opinion, 'That the 'King could no longer, with Honour, put up the Wrongs 'and Injuries daily done to him and his Subjects by the 'Scots; and therefore they humbly advised his Majesty 'to provide such Force of Men and Arms as might not 'only reduce *Berwick* to his Obedience, but also compel 'the King of *Scots* to seek his Peace, by rendering unto 'him the accustomed Homage for that Kingdom: And 'in this Enterprize they all promised to assist him in 'Purse and Person.'

To this Parliament King *Baliol* had been summoned, as holding of *Edward*; but he understanding that his Enemies had laid Wait for him in his Journey, durst not come; but sent a sufficient Excuse by the Lord *Beaumont* and others, declaring the Reasons of his Non-Appearance at that Time: The Apology was accepted by the King and Parliament [k].

Scotland regained, and King *Baliol* does Homage to *Edward*.

We shall refer our Readers to Mr. *Barnes*'s History of this King's Reign, and the more general *English* Historians, for the Progress of this War. We need only say that *Edward* surpassed his Grandfather in the Rapidity of his Conquests; for in a very short Time he had over-run all *Scotland*, and soon after received *Baliol*'s Homage to him, in a Parliament at *Edinburgh*, as Sovereign Lord of that Kingdom.

Anno Regni 8. 1334. At *York*.

[221]

Edward, at his Return into *England*, held another Parliament at *York*, which had been summoned to meet there *February* 21, 1334 [l]. The chief Matters there enacted were, 'That the Great Charter and the Forest 'Liberties, and other good Statutes, should be duly 'observed; and what Clauses therein were obscure 'should, by good Advice, be explained: That there be 'one Justice of the Peace appointed in every County, 'who should act as Chief: That no Pardon be granted 'to

[k] Neither this Parliament or the next are entered on the Rolls; at least they are not in Lord *Weymouth*'s Copy of them. There are a few blank Pages left betwixt the End of the Parliament *An. Reg.* 6 to 13, which seems as if they were designed for Insertion: However, in *Cotton*'s *Abridgment of the Rolls*, there is an Abstract of the Parliament 8 *Edward* III. from whence we copy our Account of it.

[l] Rot. Par. 8 *Edward* III.

'to any Outlaw, by any ſuggeſtive Means, but only 'by Parliament: That all Men may have their Writs 'out of Chancery for only the Fees of the Seal, with-'out any Fine, according to the Great Charter and this 'Maxim, K. *Edward* III.

Nulli vendemus Juſticiam.

Anſwer. *Such as be of Courſe ſhall continue ſo, and ſuch as be of Grace, the King will command the Chancellor to be gracious.*

'That Bigamy ſhall only be tried in a Court Chri-'ſtian: That Remedy be had againſt all Oppreſſions of 'the Clergy for Probats of Wills, and Citations for 'Trifles.'

Anſwer. *The King will herein do his beſt, and charges the Biſhops to do the like.*

There were alſo ſeveral other Acts made in this Parliament [m].

In the ſame Year, after a great Council held at *Nottingham*, a Parliament was ſummoned to meet at *Weſtminſter*, on the Exaltation of *Holy Croſs*, or the 14th of *September* [n]. The Choice of this Feſtival almoſt declared the Occaſion of the Summons; which was, 'That 'the King being thereunto invited by his Couſin, the 'Duke of *Bretaign*, who came lately on an Embaſſy 'from *France*, had formed a Reſolution to take a Voy-'age with his Brother of *France*, and other Chriſtian 'Princes, to the *Holy Land*. He told them the Reaſon 'he had not anſwered King *Philip* before, when he ap-'plied to him for this Expedition, was, that he had learnt 'the *French* King had fitted out ten great Ships, deſigned 'to aſſiſt King *David*'s Party in *Scotland*: Yet, as theſe 'Ships had been miſerably ſhattered at Sea, and were 'forced to return home without any Effect, and alſo 'that *Scotland* ſeemed pretty well ſettled under the Go-'vernment of King *Baliol*, he was the more willing to 'partake with the reſt of the Princes in this pious and 'honourable Enterprize, though he had ſet no Time for 'the doing of it.' At *Weſtminſter*.

We cannot learn what Anſwer the Parliament gave to the King on this Declaration; but whether they agreed The *Scots* revolt again.

[m] See the *Statutes at large, ſub hoc Anno*.

[n] This Parliament is not on the Rolls.

K. *Edward* III. agreed to this romantic Project, or not, it was frustrated by Advices out of *Scotland* which came at that Time, intimating that the *Scots* had again rebelled against King *Baliol*, had taken some *English* Lords Prisoners, and defeated their Forces. Upon this News the Parliament granted the King a Fifteenth from the Lords and Knights of Shires, a Tenth from the Clergy, and the like from the Citizens and Burgesses; after which the Parliament broke up [o].

A Subsidy granted.

[222]

Anno Regni 9. 1335.

At *York*.

The King soon turned all his Thoughts towards *Scotland*, and, coming to *Nottingham*, issued out Writs for calling a Parliament to meet at *York* about *Whitsuntide*, in the Year 1335, there to treat how to carry on the War against the *Scots*. What was done in that Affair we know not; for, at the Intercession of a Bishop sent by the *French* King for that Purpose, a Truce was granted for six Weeks. At this Parliament several more Statutes were enacted, very serviceable to the Peace and Welfare of the Realm [p].

Anno Regni 10. 1336.

At *Northampton*.

The Time of the Truce being concluded the *Scots* War began again, and continued with great Fury and various Success till the next Year; when, at a Parliament, or great Council, called at *Northampton*, *June* 25, the King received Advice that the *French* King had so far espoused the *Scots* Quarrel, as to engage himself to protect and assist them, and to that Purpose had sent over several eminent Commanders, with considerable Supplies of Men, Money, and Ammunition. *Edward* was not at all displeased with the News, because it gave him now a just Occasion to turn his Arms against *France*; and he hoped also that, as soon as ever the *French* and *Scots* were joined, they would give him Battle, which the latter had hitherto industriously avoided. Flush'd with these martial Thoughts, *Edward* privately stole away from his Parliament, whom he left at their Debates, and with wonderful Expedition arrived at *St. Johnston*, in *Scotland*, where he found King *Baliol*

The *Scots* are supported by the *French*.

[o] *Knyghton* writes that *Edward Baliol* came to this Parliament, and did Homage to the King of *England* for the Realm of *Scotland*. Col. 2565. *Walsingham*, p. 134.

[p] See the Preamble and these Acts in the *Statutes at large*, *An. Reg.* 9 *Edward* III. 1335.

Baliol ready at the Head of the Forces of both Nations [q]. K. *Edward* III.

Here we are obliged again to leave this warlike King to his Conquests, having no Business with him but in his cooler Hours of Parliamentary Councils; and as great Part of his long Reign was spent in the *Scots* and *French* Wars, less Matter will accrue to us to relate, but much more to the general Historians of the Times. [223] However, having again ravaged all *Scotland* over, from Sea to Sea, and finding nothing to resist him, he returned into *England* [r], to a Parliament, or Council, which met at *Nottingham*, *Sept.* 25, this Year. Here *Edward* obtained a new Grant to carry on his Wars in *Scotland* and *Gascoigny*, of a twentieth Part from the Nobility and Gentry, a Tenth from the Citizens and Burgesses, and a Sixth from the Clergy: Besides, the Merchants of *England* were taxed to pay 40*s.* a Sack for all Wooll transported, and Foreigners 3*l.* [s]. At *Nottingham*.

The next Year we find that a real Parliament was summoned to *Westminster* about *Candlemas* 1337 [t]. It was here enacted, 'That no Wooll of *English* Growth 'should be transported beyond the Seas; and that all 'Cloth-Workers should be received from whatever 'foreign Parts they should come, and fit Places should 'be assigned them, with divers Liberties and Privileges, 'and Manufactures at home. Anno Regni 11. 1337. At *Westminster*. The first Acts for the Encouragement of Woollen

[q] The Writ for constituting *John* Archbishop of *Canterbury*, then Chancellor of *England*; *Henry* Bishop of *Lincoln*, Treasurer; *John* Earl of *Cornwall*, the King's Brother, his Substitutes to hold this Parliament, or Council, as it is here called, in the King's Stead, is dated at *Newcastle* upon *Tyne*, *June* 20, 1336. *Rymer's Fœd.* Tom. IV. p. 701.

[r] *Et cum neminem invenisset impedientem, rediit apud* Nottingham, *ubi concessa est Regi nova Contributio, &c.* Knyghton, *col.* 2568.

[s] This Meeting is not on the Rolls.

[t] The Writ for summoning *John* Archbishop of *Canterbury* to this Parliament, declaring the Reason to be, because the Pope had sent two Cardinals into *England* to treat of a Peace, *&c.* is in the *Public Acts*, Vol. IV. p. 832. By this it appears that the Meeting was appointed to be the Day after *Candlemas*, and was dated at *Westminster*, *December* 20.

Polydore Vergil mentions an Act passed this Parliament, not taken Notice of by any other Historian; his Words are, *Post hæc et alia multa ex Reipublicæ usu constituta, placuit providere ne Opes quæ Mercium Usu in Dies singulos in Insulam inferebantur, aliquando dissiparentur, itaque Lege exceptum est ut nemini Homini neque* Anglo *neque Externo liceret in posterum Tempus Aurum, Argentum cælatum sive signatum, de Regno in Continentem exportare. Quo Factum est ut Mercatores extranei Mercium suarum pretia coacti sint in alias Merceedes insumere. Decretum istud etiam nunc servatur, perpetuatum uti Regno utile ab aliis qui secuti sunt Regibus.* Lib. xix. p. 365.

K. *Edward* III. ‘ and that they ſhould have a certain Allowance from ‘ the King, till they might be fixed in a Way of living ‘ by their Trade.’

It was alſo ordain'd, ‘ That none ſhould wear any ‘ Cloaths wrought beyond Sea, or hereafter to be im- ‘ ported, except the King, Queen, and their Children :’ Alſo, ‘ That none ſhould wear foreign Furs or Silks, [224] ‘ unleſs he was worth one hundred Pounds annual Rent.’ Mr. *Tyrrel* obſerves here, ‘ That tho', for the preſent, ‘ theſe and ſuch-like good Laws, made by this King and ‘ Parliament, took little or no Effect, by reaſon of the ‘ enſuing *French* Wars, yet, by Degrees, they revived ‘ the Woollen Manufacture after it had been loſt for many ‘ Years to this Nation ; from which Time it hath ſtill ‘ increaſed, to the general Advantage of the whole King- ‘ dom [r].’

Beſides taking Care of the great Intereſt of the Nation, in the aboveſaid Particulars, the King was minded to reward paſt Services, and therefore ſeveral new Honours and liberal Grants were conferred on thoſe Noblemen who had ſerved him faithfully to that Time. Accordingly, in full Parliament, the King created his eldeſt Son Prince *Edward* Duke of *Cornwall*, being the firſt that ever wore that Coronet in *England :* And ſix Earls, *Henry* of *Lancaſter*, Earl of *Derby* ; *William Montacute*, Earl of *Saliſbury* ; *Hugh de Audley*, Earl of *Glouceſter* ; *William Clinton*, Earl of *Lincoln* ; *William Bohun*, Earl of *Northampton* ; and *Robert Ufford*, Earl of *Suffolk* [s].

The

[r] *Tyrrel's Hiſtory of England*, Vol. III. p. 395.

The Art of Weaving Woollen Cloth had been brought from *Flanders* into *England* by one *John Kempe* ſome Years before ; to whom the King granted his Protection, and at the ſame Time invited over Fullers, Dyers, *&c. Fœd. Ang.* Tom. IV. p. 496.

The *Engliſh* had then Plenty of Wooll, but no Skill to employ it. Wherefore, as by this Act, Encouragement was given to ſuch as had Skill, but no Stock, to come out of *Flanders* and ſettle here ; ſo, accordingly, many, glad of this Opportunity to advance their Fortunes, came into *England* and ſettled in great Farmers Houſes at firſt, and after removed into Towns, from whence ſeveral Sorts of Woollen Manufactures were made amongſt us ; as, at *Sudbury*, Bays ; at *Colcheſter*, Says and Serges ; in *Kent*, Broad Cloths ; in *Devonſhire*, Kerſies ; in *Wales*, Frizes ; in *Weſtmoreland*, *Kendal* Cloths, *&c. Kennet*, on *Sam. Daniel's Hiſt. of Eng.* p. 215 ; Note *(a)*.

See alſo an Order for erecting Looms at *Briſtol*. *Fœd. Ang.* Tom. V. p. 137.

[s] All theſe Creations, with the Grants of ſeveral Lordſhips, Caſtles, Rents, *&c.* for the better Support of theſe new Dignities, are largely treated of in *Barnes's Edw.* III. p. 112, 113. This Writer from *Knyghton*, col.

The *French* War comes now upon the Tapis, in our Hiſtorians, and does ſo employ their Heads and Pens, in the deſcriptional Part of Battles, Sieges, *&c.* that it is difficult to ſift out a Parliamentary Proceeding amongſt them: However, we may judge that *Edward* thought it neceſſary, before he entered upon this grand Deſign, to raiſe Money for that Purpoſe; and accordingly a Parliament was ſummoned to meet this ſame Year, about *Michaelmas* [t], at *Weſtminſter*, where his Intention of going over into *France* was declared. The whole Nation was then very hearty in the Cauſe, and their Repreſentatives chearfully contributed towards it. The Laity granted a Tenth Penny from the Community, and a Fifteenth from the Citizens and Burgeſſes. The Clergy were not backward in the Matter, for the Archbiſhop of *Canterbury* and his Convocation gave a Tenth of their Temporalities for three Years.

K. *Edward* III. [225] Anno Regni 11. 1337. At *Weſtminſter*. A Supply raiſed for the War againſt *France*.

Some further Regulations were made in this Parliament for the Encouragement of the Woollen Manufactury; where it was enacted, That all *Flemiſh* Weavers, and thoſe of other Countries, ſhould have free Liberty to come over to inhabit in *England*, and exerciſe their Trade. From whence, Mr. *Tyrrel* again obſerves, 'That, even in thoſe Times, the coming of Foreigners 'into *England*, who brought over with them any uſeful 'Trade or Manufacture, was encouraged by a Law [u].'

The laſt Parliamentary Aids granted to the King being not thought ſufficient for the mighty Affair he was about to undertake, another was called, early the next Spring, which met at *Weſtminſter*, *Feb.* 3, 1338. Here the Laity granted to the King one Half of their Woolls, throughout the whole Realm, for the next Summer. He alſo levied of the Clergy the whole Tenth, cauſing them to pay nine Marks for every Pack of the beſt Wooll; but one Half he took of all Perſons, whether Merchants or others, according to the aforeſaid Grant; and he took alſo a Fifteenth of all the Commonalty in

Anno Regni 12. 1338. At *Weſtminſter*.

col. 2569, has alſo added another Earl, the Lord *Hugh Courtney*, an old Soldier, near Fourſcore, made Earl of *Devonſhire*. Twenty Knights were alſo then created, amongſt whom, ſays *Speed*, was Sir *Thomas de la More*, the Author of a Hiſtory of his own Times, often quoted by Hiſtorians.

[t] *Sept.* 27. *Statutes at Large*, *An.* 1337.

[u] *Tyrrel*, Vol. III. p. 399.

K. *Edward* III. the Realm, in Wooll, the Price of every Stone, at fourteen Pounds the Stone, being rated at two Shillings [w].

[226]

The King also issued out a Commission for seizing upon the Estates of the *Lombard* Merchants, then in *London*, who, by reason of their Extortion in Usury, were become odious and a public Grievance to the Nation. All their Jewels, ready Money, &c. were to be delivered to the Constable of the Tower, to be kept for the King's Use. About the same Time he seized into his Hands the Goods and Revenues of all Alien and Foreign Priories, especially of the *Cluniac* and *Cistercian* Orders; which were immediately let out to farm to those Monks, who paid a sufficient Rent for them during these Wars [x]. The Woolls which were gathered for the King's Use were sent into *Brabant*, amounting to 10,000 Sacks, under the Direction of two Noble Merchants, the Earls of *Northampton* and *Suffolk*, who sold the same in *Upper Germany* for 40*l.* a Sack, amounting in all to 400,000*l. Sterling* [y], making it evident from hence that the Nobility in those Days thought it no Disgrace to be Traders for the Good of their Country.

[227]

By these Means the King became exceeding strong in the Sinews of War, but the Country was thereby so exhausted

w *Hollingshead*'s *Chron.* from *Caxton*, p. 354. *Rapin*, and his Annotator Mr. *Tindal*, blunder so backwards and forwards with their Parliaments about this Time, that there is no making any Thing of them; the Annotator places the King's Commission against the *Lombard* Merchants at the Beginning of the last Year. P. 417.

x Mr. *Daniel* has also made an odd Mistake here. He writes that the King seized into his Hands the Goods of three Orders of Monks, *viz. Lombards*, *Cluniacs*, and *Cistercians*; and his Annotator, Bp. *Kennet*, gravely says, [at the Note (*b*), p. 215] 'That these were Cells to the Great Monasteries in *France*. But where either of them found the Religious Society of *Lombards*, in *England*, we know not. It is certain these *Lombard*, or *Italian*, Merchants, by the Account given of them, were of no Religious Society.—From hence is deriv'd the Name of *Lombard-street*, *London*, where, probably, they all dwelt.

y *Joshua Barnes*. But *Knyghton*, with more Probability, says, That the Woolls were sold for twenty Pounds a Sack, and the Money was disposed of to pay for the Levies then making in *Germany*. The same Author has joined *Henry de Burghwash*, Bishop of *Lincoln*, to the two Earls, as another proper Merchant for this Purpose. Col. 2570.

It seems also that the King raised Money another Way, for he took from every County a certain Quantity of Bread-Corn, Oats, and Bacon, of each Town according to the Largeness of them. He also took the rich Vestments, Silver Plate, and other Ornaments from the Abbies, &c. in order for this foreign Expedition. From which, says the Canon of *Leicester*, arose great Clamour amongst the People, and Mischief would have ensued if the King had not been guided by better Counsel. *Knyghton*, col. 2751.

hausted of Money, that Victuals and other Commodities became very cheap. A Quarter of Wheat was sold at *London* for 2*s*. a fat Ox for 6*s*. 8*d*. a fat Goose for 2*d*. and six Pigeons for 1*d*. On the 16th of *July*, this Year, King *Edward* embarked at *Harwich*, with a Royal Navy of 500 Sail, accompanied with many Earls, Barons, &c. to the Number of twenty of the chief Nobility of the Kingdom, (all named by *Barnes*) and, in a short Time after Landing, he arrived at *Antwerp*, belonging then to the Duke of *Brabant*; and whilst he resided there People came flocking from all Parts to observe the Magnificence and Splendor of the *English* Court. K. *Edward* III.

We now take our Leave of this great King for some Time, our History strictly confining us to Matters on this Side the Water; and, since his Actions and Conquests in *France* are abundantly described by all Writers of *English* or *French* History, we have less Occasion to mention them in ours.

Whilst the King was absent in *Flanders*, the young Prince *Edward*, Duke of *Cornwall*, as Guardian of the Kingdom, by Commission from his Father, called a Parliament to meet at *Northampton*. The Writs were dated *August* 25, and the Meeting was appointed to be fifteen Days after *Michaelmas* following [b]. Here was granted such an Aid as never had been given to any King before; and shews how well this King, and the Cause he was engaged in, was relished at that Time by his Subjects. Upon every Town a Tax was laid of a twentieth Part of their Goods, where the Value amounted to 20*s*. He had also granted him all the Wooll in the Kingdom, to be bought at a low Price; which must needs amount to a vast Proportion, since only the three Counties of *Leicester*, *Lincoln*, and *Northampton*, afforded no less than 1211 Sacks of Wooll. The Bishops, Abbots, Priors, Rectors, Vicars, Justices, and the Noblemen, &c. who held of him *in Capite*, and went not with him to the Wars, were taxed, some 100, others 200*l*. a-piece, according to their Estates and Abilities. At a Convention, also held the first of *October*, a Tenth was granted from the Clergy for two Years to come [c]. Anno Regni 12 1338. At *Northampton*. [288]

[b] *Knyghton* says that this Parliament was held in *July*, in *Crastino S. Jacobi*. Col. 2571.

[c] *Knyghton*. Col. 2571.

K. *Edward* III. Though there are not any of these latter Parliaments entered on the Rolls, yet the near Contemporary Historians mention them as Facts, and are particular enough in their Accounts of them. It is probable, in the King's Absence, who carried with him most of the principal Officers of the Crown, the Clerks were more negligent in their Duties. This might very well be, when the greater Ministers of the Law took that Opportunity to neglect their several Functions; and, instead of administering Justice to the Subject, set themselves solely upon robbing and plundering them; of which an ample Account will be given in the Sequel. The young Duke of *Cornwall*, Guardian of the Realm, being but then ten Years of Age, called another Parliament to meet at *Westminster*, having received an express Commission for it from his Father. On the 13th of *October* they met, and a further Aid was demanded to carry on this important and expensive War.

Anno Regni 13. 1339.

At *Westminster*.

The Proceedings of this Parliament are entered at large on the Rolls [i], both of the first and second Meeting of it, and an Abstract from which is as follows:

At the first opening, the usual Proclamation was made in the Great Hall at *Westminster*, and in the City of *London*, against wearing of any Kind of Armour, or Weapons; of which some strange Particulars are mentioned [k]. The Business begun by declaring the Causes of this Meeting, which were said to be three, *viz.* For the better keeping of the Peace, for the Defence of the Marches of *Scotland*, and for guarding the Sea. But these were only Pretences; the main Design of calling this Parliament was to get Money; for the Archbishop of *Canterbury*, the Bishop of *Durham*, and Sir *Michael de la Pole*, were sent by the King, then in *France*, to shew the Lords and Commons, 'What he had done beyond 'Sea, with his Condition there, and the Mischiefs that 'had befallen him and his Followers, for Want of Sup-'plies from *England*. That he and others, who were 'with him, were entered into Obligations for 300,000*l.* '*Sterling*, and more, towards the Charge of his Auxi-'liaries, and that he could not handsomely march from 'thence without giving his Creditors Satisfaction. Lastly, 'for

[i] *Rot. Par.* 13. *Edw.* III.

[k] *Armez Dakstoun, ne de Plate, ne de Haubergeon, ne de Espie, ne a long Cotel, ne outre Arme suspect*, &c.

'for this Cauſe, and for the Maintenance of him and 'his Quarrel, which was undertaken by the common 'Conſent of them all, and that the Buſineſs he came 'about might be the more effectually done, he ought to 'be ſupplied with a very large Sum [d]. K. *Edward* III.

This Remonſtrance was anſwered effectually, for the Aid granted by this Parliament was as large as the King's Demands. The Nobility immediately gave him every tenth Sheaf, Fleece, and Lamb of their Demeſnes, except of their Bond-Tenants, to be paid for two Years [e]; deſiring, at the ſame Time, that the illegal Duties ſet upon Wooll ſhould be revoked, and that this Grant ſhould not turn into a Cuſtom [f]. The Commons, tho' they declared themſelves very forward and willing to aſſiſt the King, yet prayed the Regent, 'That he would 'ſummon another Parliament in a convenient Space, for 'they durſt not grant any Tax till they had taken the 'Senſe of their Conſtituents about it [g], deſiring likewiſe 'that two Knights of the beſt Eſtates, in their ſeveral 'Counties, ſhould be choſen in that Parliament.' Accordingly Writs were iſſued out, dated *November* 16, for another Parliament to meet the 10th of *January* following. A farther Grant for the ſame Purpoſe. [229]

Prince *Edward*, being called over by his Father to *Antwerp*, ſix Commiſſioners were appointed to hold the enſuing Parliament in his Stead. The Particulars of this Parliament, with their Proceedings, are ſo exactly deſcribed by Mr. *Barnes*, wherein the great Care which they took of the Kingdom in their Monarch's Abſence will evidently appear, that we think proper, though ſomewhat long, to give it in his own Words as follows; eſpecially ſince we have compared them with the Rolls of Parliament.

'When the Time of the next Seſſion of Parliament 'approached, there were appointed to preſide in it *John Stratford*, At *Weſtminſter*. Anno Regni 14. 1340.

[d] As his Expences were very great, ſo the King endeavoured, during that Time, to borrow Money of all the foreign Princes. He did not ſcruple even to apply to private Perſons, and take up ſuch Sums as they were willing to lend, though ever ſo ſmall: Nay, he pawned his Crown to the Archbiſhop of *Triers* for 50,000 Florins. *Rymer's Act. Pub.* V. p. 101.

[e] *En le manere quele ils les donent a ſeinte Eſgliſe*, Record P.

[f] Theſe illegal Duties, impoſed by the King and Council without Parliament, called *Mala Tolta*, or *Maltelt*, are mentioned before. See p. 107, 121.

[g] *En ce cas ils noſerent aſſentir tantqils euſſint conſeiller les Communes de leur Pays*, &c. Record P.

K. *Edward* III. ‘ *Stratford*, Archbiſhop of *Canterbury*, Lord Chancel-
‘ lor; *William de la Zouch*, Archbiſhop of *York*, Lord-
‘ Treaſurer; the Dean of *York*; Sir *John Willoughby*,
‘ Deputy Lord Chief-Juſtice; Sir *John Stonore*, Juſtice
‘ of the King's Bench; and Sir *John St. Paul*; any four,
Regulations made by Parliament, for the Security of the Nation during the King's Abſence; ‘ three, or two of theſe were, by the King's Letters
‘ Patent, appointed to begin, continue, and end the Par-
‘ liament, for, and in the Name of, the King, and the
‘ Lord Warden of *England*; and there to do all Things
‘ which the ſaid Guardian ſhould do, untill his or the
‘ King his Father's coming. The Commiſſion began,
‘ Edvardus *D. Gr. &c. Filio noſtro chariſſimo, Guardiano*
‘ *de* Angl. and ended, *Teſte*, Edvardo *Duce* Cornubiæ *et*
‘ *Com.* Ceſtr.

‘ Theſe Commiſſioners aforeſaid cauſed ſundry of the
‘ Lords and Commons to aſſemble in the Preſence Cham-
[230] ‘ ber; before whom, becauſe ſeveral of both Houſes were
‘ not yet come, they continued the Parliament, from Day
‘ to Day, till the 20th of *January*, during which Time
‘ Merchants, Owners of Ships, and Mariners, did at-
‘ tend. The Cauſes of aſſembling the Parliament were
‘ declared to be for granting the King an Aid, for keep-
‘ ing of the Sea, and for Defence of the North Marches:
‘ Hereupon the Commons required Time to conſider
‘ thereof till the 19th of *February*; and then they unani-
‘ mouſly offer'd to the King for Aid 30,000 Sacks of
‘ Wooll, on certain Conditions. But for the better Ex-
‘ pedition, after ſome Debate, they yielded to give the
‘ King preſently 2500 Sacks of Wooll; ſo as, if the
‘ King liked the Conditions aforeſaid, the ſame ſhould
‘ go in Part of Payment; if not, they were freely offered
‘ unto him. The Lords promiſed to ſend unto the King
‘ to know his Pleaſure, and, in the mean Time, they
‘ alſo, for their Parts, grant, that ſuch of them, or of
‘ their Peers, as held by a Barony, ſhould give to the
‘ King the Tenth of their Grain, Wooll, and Lamb,
‘ of all their own Demeſnes [h].

‘ The Mariners of the *Cinque Ports* promiſed to make
‘ ready their Ships before *Midlent*, *viz.* Twenty-one
‘ Ships

[h] We do not find that the Clergy gave any Thing at this Time, and *Polydore Vergil* has made an odd Sort of an Excuſe for it, *Tributum ſtatim cunctis ſolverunt, præter* Sacerdotes, *quibus parſum eſt quo alias illi ampliores erogarent Pecunias.* Lib. xix. p. 369.

'Ships of their own, and nine of the *Thames*, and to bear Half the Charges themſelves; the other Half the Privy Council promiſed to bear of their own Good-Will to their King and Country; but not of Duty, or that it ſhould ſtand for a Precedent. The Mariners of the Weſt promiſed to ſet forth ninety Sail, and ten Ships of the Burden of 100 Tons or more, and to bear the whole Charges, if they could. Two ſufficient Scholars were appointed to compute the Charges, the one for the Weſt, and the other for the *Cinque Ports*. It was here ordered, That all Ships of *Portſmouth*, and from thence towards the Weſt, of the Burden of 100 Tons, or upwards, ſhould ride at *Dartmouth*; the Admiral to be *Richard Fitz-Alan*, Earl of *Arundel*: And that the Ships of the *Cinque Ports* and the *Thames*, being of that Burden, ſhould ride at *Winchelſea*; the Admiral to be *William Clinton*, Earl of *Huntingdon*; the whole Fleet to be ready before the End of *Lent*. Command was given to the Admirals to ſtay all other Ships which might paſs the Seas, and to warn them to go into ſafe Harbours; and to furniſh this Fleet with Soldiers, beſide thoſe whoſe Duty was to attend, and alſo thoſe who were preſt, general Proclamation was ordered to be made, That all Perſons who had received of the King Charters of Pardon, ſhould now repair to the Sea-Coaſts for the King's Service, on Pain of forfeiting the ſame [1]. K. *Edward* III. [231]

'The Lord *Richard Talbot* having, in Parliament, undertaken for the Security of the Town of *Southampton*, was appointed Captain of the Town, and allowed for that Service twenty Men of Arms, and one hundred Archers extraordinary at the King's Wages, and more upon Occaſion. All which Soldiers to have one Month's Pay before-hand, and Sir *Richard* 100 *l.* by Way of Gratuity; being alſo appointed to ſee the ſaid Town forthwith fortified, according to Covenants in a Pair of Indentures; and to levy the Charges on the Neighbours bordering thereabouts; and, if that ſhall not ſuffice, on the Inhabitants. The Biſhop of *Win-*

'*cheſter*,

[1] See *Knyghton* for the Guards to the Sea Coaſts.
See the *Statutes at large* for all theſe Subſidies. *An. Reg.* 14. *Edw.* III. 1340.

K. *Edward* III. ‘ *cheſter*, *Adam de Orleton* [g], the Prior of St. *Swithins*,
‘ and the Abbot of *Hyde*, were ordered to keep at their
‘ Manors near *Southampton*, with all their Powers, to
‘ be ready to aſſiſt the ſaid Sir *Richard* at his Call; and
‘ that all the Inhabitants ſhould remain ſtill upon the
‘ Place to defend the ſame, on Pain of loſing all they
‘ had. Sir *Richard* was to have all the Ammunition
‘ and Warlike Furniture of the ſame Town, to be de-
‘ livered into his Hands by Indenture; the Sheriff of
‘ *Southampton* having a Writ of Attendance on him for
[232] ‘ Victuals and other Neceſſaries; and two Serjeants at
‘ Arms were to provide Timber.

‘ Thus much for the Sea and the Coaſts. As to the
‘ Marches of *Scotland*, two Merchants of *Lynn-Regis*,
‘ and two others of *Barton* upon *Humber*, undertook to
‘ deliver 10,000 Quarters of all Kind of Grain at the
‘ Town of *Berwick*, and in the Road of *Leith*; every
‘ Quarter of Wheat and Malt at 9 *s.* and Oats, Beans,
‘ and Peaſe, at 5 *s.* To which there was added a Caution,
‘ that, under Colour of this Licence, they ſhould not ſerve
‘ the King's Enemies. Sir *Thomas Rokeby* took upon him
‘ the Defence of the Caſtles of *Edinburgh* and *Stirling*.

‘ To preſerve the *Iſle of Wight*, the Inhabitants there-
‘ of, during the War, were reſpited the Payment of any
‘ Aid to the King; and that none of them ſhould, by
‘ any Means, be diſpenſed with to travel abroad, or to
‘ abſent themſelves out of the ſaid Iſle; nor ſhould be
‘ impannelled, or warned at any Aſſize, or Inqueſt, du-
‘ ring the ſaid War: And that due Proviſion be made
‘ of Wine, Grain, Coals, and other Neceſſaries for the
‘ Caſtle of *Cariſbrook*.

‘ Sir *John Ferrers*, Captain of *Jerſey* Iſland, was now
‘ appointed to ſend thither a ſufficient Deputy, to whom
‘ like Rules were ſet, and Proviſion allowed for De-
‘ fence of the ſame.

‘ On the Back-ſide of this Roll are ſeen the Numbers
‘ of ſuch Soldiers as were arrayed, and ſet out by certain
‘ Nobles, Knights, and Gentlemen of the Counties of
‘ *York*, *Nottingham*, *Derby*, *Lancaſter*, *Weſtmoreland*,
‘ and *Cumberland*, by their particular Rates; which, in
‘ the whole, amounted to 7400 Men of Arms, 200
Archers

[g] Who, tho' principally concerned in the Murder of King *Edward* II. yet, like a true Courtier, had played his Cards ſo well as to be tranſlated to the rich See of *Wincheſter* by his Son, *Edw.* III. See before, p. 179, 196.

'Archers on Horſeback, and 2000 Halbardiers. Thoſe 'of the three firſt-named Counties were ordered, at the 'Coſts of the Country, only to march to *Newcaſtle* upon 'Tyne; and they of *Weſtmoreland*, *Cumberland*, and *Lan-'caſter*, to *Carliſle* only. And the Captains and others 'being together to lie and forage upon *Scotland*, and not 'upon the Marches of *England*.' K. *Edward* III. [233]

No ſooner had King *Edward* carried his Conqueſts ſo far as to aſſume unto himſelf the Style and Arms of *France*, but he cauſed his Great Seal to be changed, and added the *Fleurs de Lis* of *France* to the *Lions* of *England*. Finding it neceſſary for his Affairs to return into his own Country, to raiſe more Money on his Subjects, he called a Parliament immediately after, when the Writs of Summons, directed to all the Sheriffs in *England*, were ſealed with his New Broad Seal. They were dated at *Harwich*, *Feb.* 21, being the very Day of his Landing [h]. Who aſſumes the Stile and Arms of *France*.

On the 29th of *March* next following the King met his Parliament at *Weſtminſter*; and it appears by the Date of the Writs that, in Caſe of abſolute Neceſſity, a Parliament might be then called within leſs than forty Days, tho' the Uſage is otherwiſe now. The Cauſe of their Summons was declared to be, 'For granting him 'a great Aid, or elſe he ſhould be for ever diſhonoured, 'and his Lands, as well on this Side as beyond the Sea, 'in great Danger, if he ſhould loſe his Allies. That 'he was in his own proper Perſon obliged to return 'to *Bruſſels*, and ſtay there as a Pledge, untill the 'Sum he was engaged for was all paid. But, in caſe 'he might have a ſufficient Aid, all theſe Miſchiefs 'would be prevented, and his Deſign, by the Help of 'God, have a good Iſſue.' Wherefore, at the King's Requeſt, the Parliament having Regard to his Declaration, granted him the ninth Sheaf, Fleece, and Lamb, and the Citizens and Burgeſſes the ninth Part of all their Goods and Chattels, according to the true Value, for two Anno Regni 14. 1340. At *Weſtminſter*. Another Supply voted for completing the Conqueſt of *France*.

[h] *Rymer's Fœd. Ang.* Tom. V. p. 170. In the Writ is this extraordinary Clauſe, *Nos autem ſtatum quod Stilum noſtrum conſuetum mutavimus, et Regem Franciæ nos fecimus nominari; nam diverſæ ſubſunt Cauſæ, per quas hoc facere neceſſario nos oportet, et quas vobis et aliis Prælatis et Magnatibus, nondum Communitatibus ejuſdem Regni noſtri Angliæ ad dictum Parliamentum, plenius exponemus.*

Lord Mayor, King of England and of France primer. Record,

K. *Edward* III. two Years next coming. They alſo granted a Fifteenth on all foreign Merchants that did not reſide in Cities and Towns; likewiſe upon thoſe People that dwelt in Foreſts and Waſtes; and upon all thoſe that lived by labouring at Huſbandry; Beggars, Cottagers, and Slaves, only excepted: Upon Condition that the King would conſent to enact and eſtabliſh, that from thenceforth no Cuſtom ſhould be taken for one Sack of Wooll but half a Mark; and of Lead, Tin, Hides, Leather, or Woolls, nothing but the antient Cuſtom. Yet, notwithſtanding they made this Requeſt to the King, this Parliament unanimouſly granted him, of every Sack of Wooll 40 *s.* of every Laſt of Leather 4 *l.* of every three hundred of Wooll-fells 40 *s.* and of every other Sort of Merchandize, to be exported, according to their Weight or Meaſure; to commence at *Eaſter* this Year, being the Fourteenth of the King's Reign, to *Whitſuntide* in the Year enſuing. From which laſt Date, and forwards, the King granted that neither he nor his Succeſſors ſhould deſire, take, nor permit to be taken, more than two Marks for Cuſtom on a Sack of Wooll, belonging to the *Engliſh*; and of Skins, Leather, and other Merchandizes, according to antient Cuſtom. Our Author [i], who is very expreſſive in theſe Taxations, goes on and writes, that a Sack of Wooll ought to weigh 26 Stone, every Stone being 14 Pounds; and that every *Engliſhman* or Foreigner, going out of *England* into foreign Parts, ſhould find good and ſufficient Security for the Payment of theſe Cuſtoms, before his going abroad, *viz.* That he ſhould bring back with him a Piece of Silver or Gold Plate to the Value of two Marks, for each Sack of Wooll, and ſo for other Merchandize, as aforeſaid, at his Return. The ſame Piece of Plate to be carried to the King's Exchange [k], there to receive the Overplus of it in coined Money. For this extraordinary Grant to the Crown, the King, on his Part, adds our Authority, granted many Things for the Eaſe of the Public; as, pardoning Offenders in Foreſt Laws, giving Felons' Goods, and many other Matters, as are contained in a Charter made for that Purpoſe. The Clergy alſo granted the

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[i] *Knyghton.* Col. 2576.

[k] *Knyghton*'s Words are here, *Ad* Eſcambium *Regis*, which we ſuppoſe was the Exchequer, or Mint; and that this Law was made in order to encourage Plate or Bullion to be brought into the Kingdom.

the King a Tenth in their Convocation held at *London*, *October* 1, for three Years; and that the Tenth of the preſent Year ſhould be paid in a ſhorter Time than was appointed: But they flatly denied to give their Woolls, as the Laity had done to their no ſmall Damage; for that Commodity roſe to double the Value in a very ſhort Time [l]. K. *Edward* III. [235]

Another Hiſtorian [m] is ſtill more particular in the King's Conceſſions; and, after ſaying that, beſides theſe Supplies, the King, for his preſent Occaſions, borrow'd of divers wealthy Perſons what Sums they could ſpare, and that the City of *London* lent him 20,000 Marks [n], he adds, 'That, in Conſideration of theſe Grants and Con-'tributions, the King, beſides his Pardons to divers 'Kinds of Offenders, remitted all Amerciaments for all 'Tranſgreſſions in his Foreſts, Reliefs, and Scutage, 'unto the firſt Time of his going into *Flanders*; beſides 'all Aids for the Marriage of his Sons and Daughters 'during his Reign: Pardoning and remitting all antient 'Debts and Arrearages, both of his Farmers and others, 'any ways due, both in the Time of his Anceſtors and 'his own, 'till the 10th Year of his Reign, excepting 'ſuch as were compounded for, and ordered to be paid 'into his Exchequer:' And now, likewiſe, he confirm'd *Magna Charta*.

Edward having ſtyled himſelf King of *France*, and altered his Arms, his *Engliſh* Subjects thought themſelves in Danger of becoming a Province to *France*, as being the greater Kingdom; the Lords and Commons therefore beſought him, 'That they might be bound to 'obey him only as King of *England*; and that this Na-'tion ſhould not be put in Subjection to him as King of '*France*.' The King, to give his Subjects entire Satisfaction in that Matter, and to remove their Jealouſy, gave this Parliament his Letters Patent of Indemnity; which, being ſingular in their Nature, we ſhall give, tranſlated from the *Latin* Original, as follow [o]:

The Parliament petition the King that he would not make *England* a Province to *France*.

EDWARD

l *Holling ſhead*'s *Chron.* from *Adam Myrimuth*, p. 355.

m *Samuel Daniel*, in *Kennet*, p. 216.

n *Fabian*, in his *Chronicle*, has given us the Manner how this Money was raiſed through the ſeveral Wards of the City, and the Names of the Lenders. This Loan was to be repaid out of the Money ariſing from the aforeſaid Grant. *Fabian*'s *Chron.*

o It was alſo made into a Statute. See *Statutes at large*, *Anno* 1341. The Original is not on the Rolls, only the Preamble to it.

K. *Edward* III.

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EDWARD, by the Grace of God, King of *England* and *France*, Lord of *Ireland*, to all thoſe who theſe Letters ſhall hear or ſee, Greeting.

The King's Declaration that *England* ſhould ſtill continue independent.

KNOW ye, that whereas ſome People do think that, by reaſon that the Realm of France *is devolved unto us as right Heir of the ſame, and foraſmuch as we are King of* France, *our Realm of* England *ſhould be in Subjection to the King and Realm of* France *in Time to come; we, having Regard to the Eſtate of our Realm of* England, *and, namely, that it never was, nor ought to be, in Subjection, nor in the Obeiſance of the Kings of* France, *which for the Time have been, nor of the Realm of* France: *And, willing to provide for the Safety and Defence of the ſaid Realm of* England, *and of our Liege People of the ſame, do will and grant, and eſtabliſh for us and for our Heirs and Succeſſors, by Aſſent of the Prelates, Earls, Barons, and Commons of our Realm of* England, *in this our preſent Parliament ſummoned at* Weſtminſter, *the* Wedneſday *next after the* Sunday *in* Midlent, *the 14th Year of our ſaid Reign of our Realm of* England, *and the firſt of* France, *that by the Cauſe or Colour of this, that we are King of* France, *and that the ſaid Realm to us pertaineth as aforeſaid; or that we cauſe ourſelves to be named King of* France *in our Style, or that we have changed our Seals or our Arms; nor for Commands which we have made, or hereafter ſhall make, as King of* France, *neither our ſaid Realm of* England, *or the People of the ſame, of what Eſtate or Condition they be, ſhall, in any Time to come, be put in Subjection, or in Obeiſance of us, nor of our Heirs nor Succeſſors, as Kings of* France *as aforeſaid, nor be ſubject, nor obedient; but ſhall be free and quit of all Manner of Subjection and Obeiſance aforeſaid, as they were wont to be in the Time of our Progenitors, Kings of* England, *for ever.*——In Witneſs whereof, *&c.*

Mr. *Tyrrel* has an ingenious Obſervation on ſome further Tranſactions in this Parliament: He takes Notice, 'That ſince the Aids given in the laſt Parliament were

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'not duly anſwered to the King by thoſe who had the 'Care thereof, certain Perſons were appointed to take 'the Accounts of Sir *William de la Pole*, Sir *John Char-* 'nel, and others, who had received the Money and

'Wooll

'Wooll formerly given, and they had a Day assigned 'them to produce their Accounts; and in the mean 'Time several Noblemen and others became bound for 'the Accountants, that they should answer for what they 'had received. This deserves our Notice, adds he, be- 'cause it is the first Example that we can find, that any 'Money given in Parliament was by them ordered to 'be accounted for to Persons appointed by themselves.' K. *Edward* III.

There was little else material done in this Parliament, except that the Marquis of *Juliers*, who had done *Edward* great Service in *France*, was created Earl of *Cambridge*, with a Pension of 1000 *l.* a-year.

And as we have compared the before-related Particulars, taken from antient and modern Historians, with the Rolls of Parliament, and found them right, the greatest Credit may be given to them.

In a small Time after the last Parliament the King prepared a great Fleet, in order to meet a large one which the *French* had fitted out, and beat them at Sea, if he could, as well as at Land. With these the King went in Person, and set Sail from hence *June* 22, 1341; but before he went signed a Commission to the Duke of *Cornwall*, *&c.* to hold a Parliament on the 7th of *July* following at *Westminster*; which being met, the Archbishop of *Canterbury* declared the Reasons for calling this Parliament to be, '*First*, To consult what further 'Course was best for the King and his Allies to take 'against *France*. *Secondly*, To provide for the com- 'mon Peace, and how to keep good Order at home. '*Thirdly*, To take Care for the Defence of the Northern 'Parts. *Fourthly*, For the Dominion at Sea. *Fifthly*, 'How to answer to the King the Subsidy last granted 'him [p].'

On the next Day, being *Thursday*, the great Victory which the King had lately obtained at Sea was openly declared in Parliament, and it was moved by the Chancellor, 'That, to go on so as to perfect these happy Be- 'ginnings, he must be further enabled with great Sup- 'plies of Money: That the King desired their Advice 'how it might be raised with the least Grievance to his 'People.' Farther Grants for the *French* War.

p On the Rolls this and the last Parliament are divided into *Pars prima et secunda*; by which it should seem that they were one and the same Parliament, and yet they both begin with the same Formalities.

K. *Edward* III. 'People.' The Anſwer to this was poſtponed till *Saturday*; at which Time the Lords and Commons granted the King, as in the laſt Parliament, the Ninth of their Corn, Wooll, and Lamb, and many other uſeful Proviſoes were made for anſwering the ſame.

[238] The ſame Day came the Earls of *Arundele* and *Glouceſter*, with Sir *William Truſſell* [q], from the King, with Letters ſigned with the Privy Seal, and directed to the Lords and Commons in Parliament aſſembled; purporting his great Naval Victory near the Port of *Swyn*, or *Sluys*, and preſſing for a ſpeedy Supply of Money to carry on the War this Summer with Vigour.

In Obedience to theſe Demands of the King's, and being in exceeding good Humour on Account of the Victory, the Parliament went immediately upon Ways and Means to ſupply him; and *John Stratford*, Archbiſhop of *Canterbury*; *Ralph Stratford*, Biſhop of *London*; with other Biſhops, Abbots, and Knights, freely undertoook, on their own Credit, to raiſe the King 20,000 Sacks of Wooll: So that, for every Sack of the beſt Sort, the King ſhould receive 6*l.* for others 5*l.* and for the worſt four Marks, beſides his Cuſtom of 40*s.* on every Sack; and of all this Money a ſpeedy Return to be made to the King. It was ſtipulated, however, that the Subſidy of next Year ſhould be employed for the Payment of this Loan, and this to be confirmed by the King's Letters Patent.

The Roll gives us an Account of a large Quantity of Proviſions, which were ordered for the Uſe of the King's Fleet by this Parliament, *viz.* 2000 Quarters of Wheat, 500 of Beans and Peaſe, 500 of Oats, 200 of Fitches [r] or Chiches, 800 Sides of Bacon, two Tons Weight of Cheeſe, and 100 Tons of Wine. Two Perſons, there named, were appointed Purveyors-General of the Ports of *Sandwich* and *Southampton*; and 4400*l.* were aſſigned out of the Aids of the Counties of *Eſſex* and *Oxford* for the King's Butler.

The Record is alſo very particular in the Names of the Merchants, who were ordered by Writ to attend Commiſſioners, about the Purchaſe of the Woolls aforeſaid,

[q] Procurator to the Parliament that depoſed *Edward* II. See before, p. 185, 203.

[r] The Word in the Record is *Ciſere*, which our old *French* Dictionaries tranſlate as above.

said, *&c.* but as this is too prolix for our Design, we shall give the Reader Mr. *Tyrrel*'s Abstract of the rest of the Proceedings of this Session; and the rather, because it tends to illustrate some Passages that will come before us in the History of succeeding Parliaments. K. *Edward* III.

'Then it was farther agreed in Parliament, That, [239] 'for the speedy Sale of this Wooll, and turning it into 'Money, as also the ninth Fleece which had been given 'in the last Parliament, the Sheriffs should be com- 'manded to send up from all Cities and Boroughs of 'their several Counties, certain Merchants, to appear 'before the King's Council at *Westminster*, on the 15th 'of *August* next ensuing, to treat with them about the 'buying the said Wooll in all Counties. Where the 'Archbishop of *Canterbury*, with some other Bishops, 'Earls, and Barons of the King's Council, there named, 'treated with them, and contracted for a great Number 'of Sacks of Wooll; the Money to be paid at *Bruges* 'within three Weeks after, or upon the 8th of *Septem-* 'ber, or else upon the Feast of St. *Michael* next ensuing 'at the farthest. The Merchants of *Bardeton* and '*Prussia* contracted for a great deal of this Wooll, and 'engaged to pay the Money to those of *Louvain* and *Ma-* 'lines; and several particular Persons are there named, 'both *Almans* and others, that had been retained by 'King *Edward*. The Lords of the Council sent for 'divers Persons to account before them, and ordered 'them to return this Money to the King beyond Sea; 'but what the Reason was that these Returns were not 'made to the King accordingly, is hard to determine; 'for some of our Writers lay the Fault upon the Mer- 'chants that were to return the Money; and others, 'upon the Knavery or Negligence of the King's Officers, 'who having got these Woolls into their Hands, did not 'deliver them to the Merchants according to Agree- 'ment[a].'

Pursuant to what Mr. *Tyrrel* relates, the King finding himself pinched for Want of Remittances, and having contracted great Debts abroad, in order to carry on the War this last Campaign, he determined to conclude a Truce with *France* for some Time, and to go privately back

[a] See *Cotton*'s *Abridgment*, p. 30, for an Abstract from the Record in this Parliament or, what is there called, a special and rare Case, *&c.*

K. *Edward* III. back into *England* to find out the Defaulters, and puniſh them according to their Deſerts. Accordingly he took Shipping in *Zealand*, with only his Queen and eight more Perſons of Quality; and, after riding out a furious Storm, which held them for three Days together, he landed ſafe at the Tower, about Two o'Clock in the Morning, *November* 30, in the Year 1341.

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The King returns home privately, to inquire into the Miſapplication of the Supplies.

Upon the King's entering the Tower, he found no Guard there upon Duty, and only his Children and a few Servants that waited on them; for which he preſently ſent for the Conſtable and committed him to cloſe Confinement in his own Priſon. In the ſame Manner he ſerved the Mayor of *London*, the Keeper of the Great Seal, the Lord Chief Juſtice of the King's Bench, three Clerks of the Chancery, and one of the Exchequer, who having all been concerned in raiſing or receiving the late Subſidies, ſoon found Lodgings in the ſame Priſon. The Biſhops of *Chicheſter*, and *Litchfield* and *Coventry*, the one his Chancellor, the other Lord-Treaſurer, he turned out of their Offices and impriſoned for a Time; but durſt not detain them, for Fear the *Clementine Conſtitutions*, forbidding Biſhops to be impriſoned, ſhould affect him. But the greateſt Eccleſiaſtical Perſon he had to deal with, in this Affair, was the Archbiſhop of *Canterbury*, who he well knew was as culpable as any. Many ſevere Meſſages were ſent from the King to the Prelate, who had retired to his own Palace at *Canterbury*, and ſome as haughty Anſwers were returned. At laſt the King reſolved to lay the whole before his Parliament, and to take their Opinions how he ought to proceed.

Anno Regni 16. 1342.

At *Weſtminſter*.

Accordingly a Parliament was ſummoned to meet at *Weſtminſter* on *Eaſter-Monday*, *April* 23, 1342, the Cauſes whereof were declared to be, 'How the King 'might be ſpeedily ſupplied with the Grants given him 'laſt Year, upon his going over in Perſon againſt his 'Enemy, *Philip* of *Valois*, great Part of which was de-'tained from him by evil Officers; and how a ſufficient 'Sum of Money might be raiſed for the King's preſent 'Neceſſities.' After which a Declaration was made in the King's Name, 'That whoever of his Subjects ſhould 'think themſelves hardly dealt with, either by himſelf 'or any of his Officers, upon Complaint and Proof made 'thereof, ſhould have Redreſs.'

To

'To this Parliament the Archbishop of *Canterbury* came, though he had no Writ of Summons, attended with a great Company of his Clergy and many Knights. Upon his Entrance into the House, the High Steward and Chamberlain met him, who, in the King's Name, forbad him to enter the Parliament, untill he had undergone a Trial in the Exchequer, for divers Things laid to his Charge. The Archbishop, left he should move the King too much, vouchsafed to go into that Court, and there took a Copy of the Articles, of which his Accusation consisted, and to these he promised to return an Answer. Upon which he was suffered by the King to come into Parliament, and there, before the whole Assembly, he declared the Cause of his coming to be, 'For the Honour, Rights, and Liberties of the Church, 'for the Profit and Commodity of the Realm, and for 'the Interest and Honour of the King: And, *lastly*, that 'he might clear himself in Parliament of several Crimes 'laid to his Charge, and published all over *England* to 'his Prejudice [b].'

K. *Edward* III. [241]

Articles preferr'd against the Archbishop of *Canterbury* on that Account.

This occasioned a great Debate amongst the Lords on the Question, 'Whether the Nobility of the Land 'should be put to answer, except before their Peers in 'open Parliament? A Committee of twelve Peers was appointed to draw up a Representation to his Majesty; and they were also to inquire concerning the Crimes laid to the Archbishop's Charge, and fairly to represent how far they thought him blameable. Mr. *Joshua Barnes* [c], who we have before mentioned, and who wrote the Life of this great King in one large Volume in Folio, has very faithfully collected, from the Parliament-Rolls and other Records, such Materials as were proper for his Purpose; and is so particular in the Sequel of the Controversy betwixt the King and the Prelate,

A Committee of twelve Peers appointed to inquire into his Conduct.

[b] It was greatly suspected that the Archbishop, at the Instigation of Pope *Benedict* XII. who was a *Frenchman*, and consequently no Friend to *Edward*'s Conquests in that Kingdom, had played false in this Matter. *Speed*'s *Chron.* p. 574.

Collier writes, That *Burghwash*, Bishop of *Lincoln*, and Sir *Geoffrey Scrope*, one of the Judges, had an old Grudge against Archbishop *Stratford*, and seized this Opportunity to push the Advantage against him.

See the Affair at Length in the same Author, where the Peerage of the Bishops, and their Right of being tried *per Pares*, is learnedly maintained against the Opinion of Sir *Edward Coke*, p. 544.

[c] Some Time *Greek* Professor in the University of *Cambridge*.

K. *Edward* III. that we cannot do better than give it our Readers in that Author's own Words:

'Whereupon are named four Biſhops, four Earls, 'and four Barons, to draw up the Platform for the 'King's View. Theſe being alſo to inquire concern- 'ing the Crimes laid againſt the Archbiſhop, and to
[242] 'prepare them for the King, among other Things de- 'termined, that the Lord-Chancellor, the Lord-Trea- 'ſurer, and other high Officers of State, ſhould be in- 'cluded under the Names of Peers, and ſet down a Re- 'queſt, that all Conditions and Eſtates might enjoy 'their proper and peculiar Liberties. By that Time 'theſe Things were thus forwarded, the Archbiſhop 'came again to the Parliament, but was forbid by the 'Captain of the King's Guard, Sir *William Attewood*, 'to enter: Whereupon he ſpake thus to the People 'that flocked about him, "My Friends, the King, by "his Writ of Summons, hath called me to this Parlia- "ment, and I, who am the chief Peer of the Realm, "and who, next the King, have the firſt Voice in Par- "liament, claim the Rights of my Church of *Canter-* "*bury*, and therefore require Entrance into Parliament[d]." 'But when for all this being kept out by the Guard, he 'could not enter, he took his Croſs in his own Hands, 'and ſolemnly proteſted, that he would not ſtir from 'that Place, till the King gave him Leave to come into 'Parliament, or a ſufficient Reaſon why he ſhould not. 'While he ſtood there in this Manner, ſome that were by 'began to revile him, telling him that he was a Traitor, 'and he deceiv'd the King, and betrayed the Realm: To 'whom the Archbiſhop ſaid, "The Curſe of Almighty "God, and of his bleſſed Mother, and of St. *Thomas*, "and mine alſo, be upon the Heads of them that inform "the King ſo, *Amen*, *Amen*." In this Hurry certain 'Noblemen chancing to come out, he beſought them 'to requeſt the King in his Behalf, and for the Right 'of his Church of *Canterbury*; this they kindly promi- 'ſed him to do; and accordingly, by the Interceſſion 'and Favour of the Lords, the King gave Leave for his 'Admiſſion into the Houſe; where he offered to purge 'himſelf lawfully in Parliament of the Crimes objected 'againſt

[d] *Tyrrel* ſays the Archbiſhop of *Canterbury* was not ſummoned to this Parliament.

'against him; but he was referred to the Consideration 'of the twelve Peers, who had his Cause in Hand at 'that Time. On the 19th of *April*, being *Thursday*, 'the King came into St. *Edward*'s Chamber, commonly 'called the *Painted-Chamber*, before whom, in Sight 'of the Lords and Commons, the Archbishop humbled 'himself, and required his gracious Pardon; which, 'upon the whole Parliament's general Suit and Intreaty, 'his Majesty granted. After which the Archbishop de- 'sired, that whereas he was publickly defamed through 'the Realm, he might now be arraigned in open Par- 'liament before his Peers: But the King answered, He 'would first attend to the common Affairs, and after 'that examine lighter Matters. However, a little after, 'without any more Accusation, or Answer, the King, 'of his own Accord, declared him legally purged and 'excused; his Majesty having no Mind to destroy so 'able a Minister, but only to humble him and break his 'high Prelatical Obstinacy; which, for a while, seemed 'ready to cope with the Regal Power.' K. *Edward* III. [243]

A Reverend Writer of Ecclesiastical History[c] has gone much farther, to clear the Archbishop from this great Imputation, than *Barnes* has done; and though he may be represented as an Author too partial to the Prelacy, yet we think what he says has too much Weight in it to be omitted.

'The King's Complaint against the Prelate in his 'Letters, the Articles drawn up against him, and the 'other Preparations for his Trial, seem only to be done '*ad faciendum Populum*. In short, it looks highly pro- 'bable the young King had either been misled, or over 'liberal to his Favourites. Great Taxes had been 'granted to prosecute and make Way for the Title to '*France*, and yet the People's Expectations were baulk'd, 'and that Expedition had, by no Means, answered up to 'the Prospect and Expence. That the Subject therefore 'might not be backward to contribute to the Support 'of the War, it was thought advisable to lay the pub- 'lic Miscarriage upon the Archbishop: By this Expe- 'dient, the King would be screened, the Court lie 'under Shelter, and the People better disposed for the 'Payment of another Tax. And tho' some suspect the

[c] *Collier*'s *Ecclesiastical History*, p. 545.

K. *Edward* III. ‘ Archbiſhop was gained by the Pope to clog the War,
‘ by not furniſhing the Money in due Time, and that
‘ he perſuaded the King to drop the Enterprize, and
‘ make a Peace; notwithſtanding this Conjecture, I ſay,
[244] ‘ there are two Things which go a great Way in the
‘ Proof of the Archbiſhop's Innocence.

I. ‘ It is highly probable the King was ſatisfied of
‘ *Stratford*'s Integrity, becauſe when, upon breaking up
‘ of this Parliament, he made another Expedition into
‘ *France*, he took the Archbiſhop into Favour, and made
‘ him one of the chief Miniſters of State.

II. ‘ Becauſe, in the next Parliament, held two Years
‘ after, the King commanded that the Articles of Im-
‘ peachment, drawn up againſt the Archbiſhop of *Can-*
‘ *terbury*, ſhould be brought into the Houſe to be an-
‘ nulled and declared inſignificant. The Motive aſſign'd
‘ for this Order is, becauſe the Matter contained in the
‘ ſaid Articles was neither reaſonable nor true. Theſe
‘ Things put together amount, in my Opinion, to a
‘ full Evidence for the Archbiſhop's Juſtification.’

The farther Proceedings of this Parliament require ſomewhat more Attention than the former, a Matter of great Moment being the Conſequence thereof. To clear the Way better before us, we ſhall ſubjoin another Quotation from *Barnes*, in order to lay the Affair more open, and do it all the Juſtice it deſerves.

‘ Upon Occaſion of the late Conteſt, between the
‘ King and the Prelate, the Clergy of *England*, in this
‘ Parliament, made their Requeſts to the King, That
‘ the Liberties of Holy Church may be kept, and the
‘ Great Charter be newly proclaimed, and by Oath
‘ confirmed. The King anſwered, “ That it was his
“ Deſire that *Magna Charta* ſhould be obſerved; but
“ that it ſeemed to him ſufficient, for either that, or
“ other their Liberties, to be exemplified under the
“ Great Seal; and that more Oaths were not neceſſary;
“ eſpecially ſince already too many were forſworn
“ throughout the Land [f].”

‘ Then they ſhewed how ſeveral of the Clergy were
‘ impriſoned by the King's Officers without due Proceſs,
and

[f] Mr. *Tyrrel*, in reciting this Refuſal of the King's, on Account of the Multiplicity of Oaths, makes this ſhrewd Remark. ‘ This, by the Way,
‘ ſhews, ſays he, that Oaths taken of Courſe were no better kept in their
‘ Times than they are in ours;’ nor even in Times after his.

'and that therefore they may be delivered: To which 'the King answered, "That he intended not any Cler- "gyman should be attached against Law; and that he "would be ready to hear, if any was in that Manner "imprisoned, either against *Magna Charta*, or the "Statute of *Northampton*." K. *Edward* III. [245]

'They complain'd further, That several of the King's 'Officers had entered divers Religious Houses, and ha- 'ving, by Oath, extorted a Confession of Goods there 'deposited, carried them away. The King answered, "That he would not his Officers should do thus: But "that if Laymen, to defraud him, did conceal their "Goods in such Places, then the Privilege should not "avail: For so the King is wronged."

'On *Saturday* following the Lords petitioned, That '*Magna Charta* might, in all Points, be observed so as 'such Persons, who are neither appealed, nor indicted, 'nor presented at the Suit of any, and yet have their 'Goods, Lands, or Possessions taken away, may be re- 'stored thereto again.' "In answer to this the King "granted, for him and his Heirs for ever, that if any Per- "son commit any Act contrary to the Form of *Magna* "*Charta*, or any other good Law, he shall be liable "to answer it in Parliament, or else where he ought by "Law." Petitions of the Lords and Commons,

The following are the Petitions of the Commons, with their respective Answers.

Commons. 'That the Chancellor and other Officers 'of State, there named in the Records, may, upon their 'Entrance into the said Offices, be sworn to observe the 'Laws of the Land, and *Magna Charta*.

King. *The King willeth the same.*

Commons. 'That every Man, for Debts due to the 'King's Ancestors, may have therefore Charters of Par- 'don, of Course out of the Chancery.

King. *The King granteth.*

Commons. 'That certain Persons, by Commission, 'may hear the Accounts of those who have received 'Woolls, Monies, or other Aid for the King, and that 'the same may be enrolled in the Chancery.

King. *It pleaseth the King, so as the Treasurer and Lord Chief Baron may be joined in the Commission.*

Commons.

K. *Edward* III.

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Commons. 'That the Ordinance made at *Northampton*, 'That *Men of evil Life and Converſation ſhould be attach-* 'ed, may be repealed; becauſe, on Pretence thereof, 'many honeſt Men have been arreſted.

King. *The King doth revoke it.*

Commons. 'That many Commiſſions, whereby ſundry 'Men have been fined outragiouſly by the Commiſſion- 'ers, may be revoked, and new ones granted to others.

King. *The King is pleaſed that the ſame ſhall be done in the Preſence of him, of the Lords, and certain of the Commons.*

Commons. 'That the Chancellor, and all other Offi- 'cers there named, may be choſen in open Parliament; 'they, at the ſame Time, to be openly ſworn to obſerve 'the Laws aforeſaid.

King. *The King yieldeth only thus much, That if any ſuch Office, by the Death or other Failure of the Incumbent, become void, the Choice to remain ſolely in the King, he taking therein the Aſſent of his Council: But that every ſuch Officer ſhall be ſworn, at the next Parliament, according to the Petition; and that, every Parliament following, the King ſhall reſume into his Hands all ſuch Offices; ſo as the ſaid Officers ſhall be left liable to anſwer all Objections.*

Which, being aſſented to by the King, are declared to be Statutes;

'Hereupon, at the Requeſt of the whole Three Eſtates 'made unto the King, theſe Articles were declared Sta- 'tutes, as on the Back of the Roll doth appear: Which, 'with the Conditions, were afterwards read before the 'King, his Officers being preſent, as the Chancellor, 'Treaſurer, Juſtices of both Benches, Steward of the 'King's Chamber, and others, all which Officers were 'ſworn on the Croſs of *Canterbury* to perform the ſame: 'Only the Chancellor, Treaſurer, and certain of the 'Juſtices refuſed the ſaid Oath, as being repugnant to 'their former Oath and the Laws of the Realm. How- 'ever, for that Time, the Statutes and Conditions afore- 'ſaid, together with the Commiſſions to inquire after 'Oppreſſions, were exemplified under the Great Seal, 'and delivered to the Lords and Commons.

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This extraordinary Conceſſion from the Crown being thus ratified and paſſed into a Statute, the King ſoon after ſought to revoke, by a Method more extraordinary than the Grant; and which was a Stretch of the Royal Pre-

Prerogative greater than we have yet met with, since the Three Estates of the Realm were established: For, shortly after, the King, by Advice of his Council only, and without any Parliament, did abrogate what he before was, as he says, forced into, and had suffered to pass into a Law. This was done by Special Writs, directed to all the Peers, and to all the Sheriffs in *England*, commanding the latter to proclaim it throughout their several Divisions. The Writ to the Sheriff of *Lincolnshire* is still extant in the *Public Acts* [g], and in the *Statutes at large*; into the last of which Records it got, we suppose, by being confirmed by Act of Parliament two Years after. The whole Writ is translated by *Barnes*, for the Rarity of it, as he says; but Dr. *Brady* has given us a Translation of another, directed to the Archbishop of *Canterbury*, the Original of which is preserved in his *Appendix* [h], which we think is somewhat more curious than the former; especially, since it plainly proves, contrary to Mr. *Collier*'s Conclusions, that the King was not so well satisfied with the Prelate's Integrity as that Writer would have us believe. The Translation of the Writ is as follows:

K. *Edward* III.

But are afterward revoked by him without Consent of Parliament.

The King to the Venerable Father in Christ, John *Archbishop of* Canterbury, *Primate of all* England, *Greeting*,

The King's Writ to the Archbishop of *Canterbury*, declaring his Reasons for revoking the same.

" WHereas some Time since in our Parliament at *Westminster*, assembled in the *Quindene* of *Easter* last past, there were certain Petitions made, expressly contrary to the Laws and Customs of *England*, and not only very prejudicial, but reproachful also to our Royal Dignity; which, if we had not permitted to have been drawn into a Statute, the said Parliament had been without Success, and dissolved in Discord, and so our Wars with *France* and *Scotland*, which we principally undertook by your Advice, had very likely been (which God forbid) in Ruin: And we, to avoid such Dangers, permitting Protestations of revoking those Things, when we could conveniently, that had so been extorted from us against our Will, yet permitted them to be sealed with our Seal at that Time: And afterward by the Advice and Assent of the Earls, Barons, and

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[g] *Fœd Ang.* Tom. V. p. 282. Dated at *Westminster*, *Oct.* 1.
[h] *Brady*, p. 221, 222; in *Append.* 88.

K. *Edward* III. " and other wise Men, for lawful Causes, because our " Consent was wanting [*or, as it is in the Revocation di-* " *rected to the Sheriff of* Lincoln, ' because we never " consented to the making of the Statute; but, as then it " behoved us, we dissembled in the Premisses, *&c.*] we " have declared it null, and that it ought not to have the " Name and Force of a Statute. And we understand " you have commanded a Provincial Council to meet at " *London*, on the Morrow of St. *Luke* next coming; in " which you intend to excite the Bishops of your Pro- " vince against us, and to ordain and declare some Things " prejudicial to us, about confirming the said pretended " Statute, and for the Enervation, Depression, and Di- " minution of our Royal Jurisdiction, Rights, and Pre- " rogatives, for the Preservation whereof we are bound " by Oath; also concerning the Process depending be- " tween us and you for certain Matters charged upon " you by us; and that you intend to promulge grievous " Censures concerning these Things: We, willing to " prevent so great Mischief, do strictly forbid, that in " that Council you dare to propound, or any ways at- " tempt, or cause to be attempted, any Thing in De- " rogation or Diminution of our Royal Dignity, Power, " or Rights of the Crown, or of the Laws and Customs " of our Kingdom, or in Prejudice of the Process afore- " said, or in Confirmation of the pretended Statute, or " otherwise, in Contumely of our Name and Honour, " or to the Grievance or Disadvantage of our Counsel- ' lors or Servants: Know ye, that if ye do these Things, " we will prosecute you, as our Enemy and Violator of " our Rights, with as much Severity as lawfully we may. *Witness the King at* Westminster *the 1st Day of* October.

[249] Dr. *Brady* is of Opinion that the Agreement concerning the chief Officers of State, which the King had, inadvertently, let pass into the Form of a Statute, was the Contrivance of the Archbishop, Bishops, and Clergy; for it was a great Trouble to them that the Chancellor, Treasurer, and several other Officers, who were of that Order, had been put out of their Places, at the King's Arrival in *England*, and Laymen placed in their Stead [i]. ' But

[i] *Rex* Edwardus Angliam *intravit, Ministros suos, viz. Cancellarium, Thesaurarium, et alios amovit, non Clericos, imo Seculares ad placitum juxta substituit.* Walsingham, p. 150.

K. *Edward* III. Remarks thereon.

'But since Dr. *Brady* and Mr. *Barnes* are represented as Writers too partial to the Prerogative Royal, and as these later Proceedings, in a Parliamentary Way, with the King's great Stretch of Power over them, are the most remarkable of any Transactions in this Reign, we shall subjoin Mr. *Tyrrel*'s Thoughts on the Matter; who, as he was a Writer apparently set up to contradict Dr. *Brady*'s Notions of Regal Power, the Point in View may be the better cleared between them.

After speaking of the King's Writ to the Sheriff of *Lincoln*, and giving an Abstract of that to the Archbishop of *Canterbury*, he goes on and says,

'But though it must be granted that this was a high 'Stretch of the King's Prerogative, and such as our 'Times would not bear, yet even then, when neither the 'Bishops, Barons, nor Commons in Parliament, ever 'gave their Consents to this Revocation, they were not 'at all satisfied with this Precedent; for in the next 'Parliament of the seventeenth of this King, this Sta- 'tute above-mentioned was by them legally made void 'and repealed, without any Mention of the King's late 'Writ or Proclamation, as appears upon the Statute 'Roll, though not printed in our Statute Books.

'This Revocation very well deserves our further Re- 'mark; for since no more than the King's Writ to the 'Sheriff of *Lincolnshire* was thought fit to be printed by 'those who first published the Statutes in *England*, with- 'out the subsequent Statute last mentioned, it hath been 'commonly made use of by the high Assertors of the 'Royal Prerogative, as a sufficient Precedent to prove, 'that the King alone has a Power to make void and re- 'peal any Law or Statute that he shall judge derogatory [250] 'to his Prerogative, or the Laws and Customs of the 'Realm; and he needs no more but to say, as King *Ed- 'ward* did in this Case, That he dissembled in the Pre- 'misses, and never gave his free Consent, but only to 'avoid greater Dangers, or to obtain a Subsidy when he 'needed it to carry on his Wars: But the Lords and 'Commons were not satisfied with this Doctrine; and 'tho' they would not quarrel with the King as to what 'was passed, yet it is evident they were not satisfied with 'his Prerogative in vacating this Statute, or else there 'had been no Need for them to have made another Re-

'peal

K. *Edward* III. ‘ peal of it: And tho’ the learned Mr. *Barnes*, in his elaborate Hiſtory of this King’s Reign, hath been ſo candid as to recite, *verbatim*, not only the King’s Writ of Revocation, but the unprinted Statute laſt mentioned, yet he looks upon it as a meer Reſult of the King’s Prerogative Royal, in thoſe Days eſteemed of ſufficient Force, and as ſuch afterwards confirmed by Act of Parliament; which I can by no Means gather from this Statute, but rather conclude the contrary from this very Inſtance.’

To conclude our Accounts of this Parliament, we ſhall only take Notice of another Particular, which is, that, the Neceſſity of the King’s Affairs requiring it, 20,000 Sacks of Wooll were ordered to be tranſported beyond Sea, before *Michaelmas* next coming; and it was provided that no Man before that Time ſhould ſend over any Wooll, on Pain of thrice the Value, and Loſs of Life and Member [k].

If our Quotations relating to the Affairs of the laſt Parliament are thought too long, we come now to a Gap of Time in which we can find little to our Purpoſe: For, except a Parliament, or rather a great Council of the Peers only, which the King held at *Weſtminſter* about the latter End of *April*, in the Year 1341, in which was nothing tranſacted worth our Notice, we do not meet with another real Parliament called ’till the Year after.

[251] The King, in this Interval, had been warmly engaged in a double War, and had perſonally viſited both *France* and *Scotland* in a hoſtile Manner. The Exploits and Succeſs of which we muſt leave to our Military Hiſtorians, and come to a Parliament which the King called to meet at *Weſtminſter*, *April* 23, 1343. The Cauſes for ſummoning, expreſſed in the Writ itſelf, being, ‘ to treat ‘ and adviſe with his Great Men what was beſt to be ‘ done in his preſent Affairs; particularly concerning the ‘ Truce lately made with his Enemy of *France*, and ‘ about the good Government and Safety of his Realm ‘ and People.

Anno Regni 17. 1343.

At *Weſtminſter*.

The Parliament being met, the Lord-Chancellor ſent for Sir *Bartholomew Burgherſh* to come into the Houſe; who, having been with the King at the making of the late

[k] *Barnes*, *Brady*, and *Tyrrel*, from the Rolls.

late Truce, was to declare what he knew concerning it. K. *Edward* III.
Whereupon the Knight spoke to this Purport: 'That 'after the King had begun the War with *France*, by 'Assent of the Prelates, Great Men, and Commons, to 'obtain his Rights and Inheritance there, he had divers 'Times passed the Sea with his Army, and, after his last 'going over, had taken several Towns, Castles, and 'Forts in *Bretagne*; but that whilst he lay at the Siege 'of *Vannes*, he was desired by the Pope, for the Honour 'of God and Holy Church, to accept of the Mediation 'of two Cardinals, whom he should send to him, to me-'diate a Truce, untill a Peace could be treated of: And 'then concluded, That the King, perceiving the Truce 'to be honourable, and advantageous to him and his 'Allies, assented to it: That, during the Continuance 'thereof, a Treaty of Peace might be had, before the 'Pope, as a Mediator and Friend, but not as a Judge; 'which Peace, if good and honourable, the King would 'accept of; if not, he would pursue his Quarrel. And 'Sir *Bartholomew* further said, That because the War 'was begun by the common Advice of the Prelates, 'Great Men, and Commons, the King would not treat 'of, or make, Peace without the like Assent.' Where-fore the Prelates and Great Men were charged to as-semble on *Thursday* the first of *May*, in the *White-Chamber* [1], to treat, advise, and agree among them-selves, Whether the King ought to send any Envoys to the Court of *Rome*, to propound his Right before the Pope, or not? And, in the same Manner, the Knights [25*] of Counties and Commons were charged to assemble in the *Painted-Chamber*, *Chaumbre depeynte*, to treat and advise in like Manner, and to report their Answer and Agreement, in full Parliament, at the same Time.

On which Day, the Prelates and Great Men answered, their Advice was, 'That the Truce was honourable, 'and advantageous to the King and all his Friends; and 'that every Christian ought to wish that the War, which 'was so great and hurtful to all Christians, might soon 'end in a Peace: Wherefore they agreed to the Truce; 'and that the King should send Messengers to *Rome*, to 'lay before the Pope, as a Mediator and Friend, but 'not

1 *En le Chaumbre blaunche.* Now the Court of Requests.

K. *Edward* III. ‘ not as a Judge [m], his Rights and Demands, in order to ‘ a Treaty of Peace, according to the Form of the Truce. ‘ And then the Knights of Counties came in, and the ‘ Commons, and answered by Sir *William Truſſel*, in ‘ the *White-Chamber*, who, in the Preſence of the ‘ King, Prelates, and Great Men there, on Behalf of the ‘ Knights and Commons, that they were fully agreed the ‘ Truce ſhould be kept, to the End a good and honour- ‘ able Peace might be made: And further, the ſaid Com- ‘ mons prayed the King to ſend expreſs Envoys, or Meſ- ‘ ſengers, to treat of Peace, as aboveſaid; and, in caſe ‘ he could have an honourable and advantageous Peace ‘ for himſelf and his Friends, that he would accept of it; ‘ but if not, the ſaid Commons declared, that they would ‘ aid and aſſiſt him, and maintain his Quarrel with all ‘ their Power [n].’

It was here alſo enacted, That the Statute made at *Weſtminſter* the 15th of this King, and which he had ſoon after revoked, as has been mentioned, ſhould accordingly be utterly repealed, and loſe the Name of a Statute, as contrary to the Laws of a King's Prerogative. But, ſince the Articles there made were thought reaſonable, it was enacted that ſuch Articles, with ſome others agreed on in this Parliament, ſhould, by the Advice of the Judges, be made into a Statute [o].

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An Eccleſiaſtical Affair of great Conſequence came alſo before this Parliament, which, tho' ſomewhat long, is of too great Concern to be omitted. We ſhall therefore give *Joſhua Barnes*'s Account of it in his own Words.

The Commons remonſtrate againſt the Incroachments of the Papal Power.

‘ In this Parliament it is recorded, That the Commons ‘ of *England* made great Complaint of the Proviſions and ‘ Reſervations coming from the Court of *Rome*; where- ‘ by the Pope took up beforehand the future Vacancies ‘ of Eccleſiaſtical Dignities for Aliens, and ſuch as had ‘ nothing to do within this Realm. They remonſtrated ‘ to

[m] *Come devant meen Amy, mais nonn pas come Juge, ne come Compromeſſair.* Record.

[n] *Les diter Communes granterent de lui eyder a mayntener ſa querele ave tote lour poair.* Record.

[o] Old *Stowe* writes, that, in this Parliament, *Anno* 1343, the Clergy, that were Poſſeſſors of Lands, granted to the King towards the War all their Jewels and Plate, as well Silver as Gold, beſides Horſes, Carts, and Waggons. *Stowe's Chron.* p. 239.

'to the King the manifold Inconveniences enſuing there- K. *Edward* III.
'by; as the Decay of Hoſpitality; the tranſporting of
'the Treaſure of the Realm to the Maintenance of the
'King's mortal Enemies; the diſcovering of the Secrets
'of the Kingdom; and the utter diſcouraging, diſabling,
'and impoveriſhing of Scholars, Natives of the Land.
'Among other Inſtances, they alſo ſhewed how the
'Pope had ſecretly granted unto two new Cardinals
'ſundry Livings within the Realm of *England*, and
'particulary to the Cardinal of *Perigort* above ten
'Thouſand Marks, yearly Collections. Whereupon
'they humbly require the King and his Lords to find a
'Remedy for theſe intolerable Encroachments; for
'that they neither could nor would any longer bear theſe
'heavy Oppreſſions; or elſe they deſired, *that his Ma-*
'*jeſty and the Lords would help them forcibly to expel the*
'*Papal Power out of the Realm* P.

'The King, in Conſideration of the Premiſes, willeth
'that the Lords and Commons among themſelves, con-
'ſult of the moſt decent and fitting Way, promiſing his
'Conſent to any reaſonable Remedy. Hereupon the [254]
'King, Lords, and Commons, preſently ſent for an Act
'made at *Carliſle* in the thirty-fifth Year of *Edward* I.
'upon the like Complaint; which utterly forbad to bring,
'or attempt to bring, any Thing into his Realm, which
'ſhould tend to the Diminution of the King's Preroga-
'tive, or the Prejudice of his Lords and Commons [q].
'And ſo at this Time the famous Act of Proviſion was
'made, prohibiting the bringing in of any Bull, or the
'like Trinkets, from the Court of *Rome*, or the uſing,
'allowing, or enjoying of any ſuch Bull, Proceſs, or
'any other Inſtrument obtained from thence, as there
'at large doth appear. This Act, however, as one ob-
'ſerves, could not be agreed to by the Biſhops and the
'reſt of the Clergy; but they rather ſeem'd reſolved to
'proteſt againſt it, till the King peremptorily command-
'ed them to ſurceaſe ſuch Preſumption.

'However, the Lords Temporal only, and the Com-
'mons by themſelves, wrote a Letter to his Holineſs, the
'Purport whereof followeth, from the Orignal *French*.

To

P This laſt Expreſſion is not on the Record; tho' it is in the Abridgment, added, no Doubt, by that good Proteſtant *William Prynne*.

q See the Proceedings upon this Affair, p. 131, 147.

K. *Edward* III. To the Moſt Holy Father in God, the Lord *Clement*, by Divine Providence, of the Holy *Roman* and Catholic Church the Chief Biſhop; his humble and devout Children the Princes, Dukes, Earls, Barons, Knights, Citizens, Burgeſſes, and all the Commonalty of the Realm of *England*, aſſembled in Parliament at *Weſtminſter*, devoutly kiſs his Holy Feet.

A Letter to the Pope thereupon, from the Lords Temporal and Commons only, the Lords Spiritual refuſing their Aſſent.

THE pious Diſcretion, Prudence, and Equity, which ſeem, and ought indeed, to be in you, Moſt Holy Father, who are ſo holy and ſo high a Prelate, Head of the Holy Church, by whom the Catholic Church and People of God ſhould, as by the Sun-Beams, be enlightened, do give us good Hope, that the juſt Petitions hereunder by us declar'd, to the Honour of Jeſus Chriſt, *of his Holy Church, and of your Holineſs alſo, ſhall be of you graciouſly conſidered, and that all Errors and Injuſtice ſhall be quite removed; inſtead whereof fruitful Amendment and neceſſary Remedies, thro' the Grace of the Holy Spirit, which you, in ſo eminent a Degree, have received, may be by you graciouſly ordained and applied.*

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Wherefore, Moſt Holy Father, after great Deliberation, we all with one Aſſent come unto your Holineſs, ſhewing and declaring, that the Moſt Noble Kings of England, *Progenitors to his Majeſty that now is, as alſo our Anceſtors and ourſelves too, according to the Grace of the Holy Ghoſt to them and to us given, every one of his own Devotion have eſtabliſhed, founded, and endowed within the Realm of* England, *Cathedrals and other Churches, Colleges, Abbeys, Priories, and divers other Religious Houſes; and to the Prelates and Governors of the ſame have given and granted Lands, Poſſeſſions, Patrimonies, Franchiſes, Advowſons, and Patronages of Dignities, Revenues, Offices, Churches, with many and divers other Advantages and Emoluments; whereby the Service of God and the Faith of* Chriſt *might be honoured and had in Reverence; Hoſpitals and Alms-Houſes, with all other Edifices, Churches and Colleges, might be honeſtly kept and maintained, and devout Prayers in the ſame Places made for the Souls of the Founders; and the Poor alſo of the ſeveral Pariſhes conveniently aided and nouriſhed: Of all which ſuch only were to have the Cure, who were able to take Confeſſions, and were otherwiſe meet in their own Mother Tongue of* England, *effectually to teach and inform their Flock.*

And

And forasmuch, most Holy Father, as you cannot well K. Edward III.
attain the Knowledge of divers such Errors and Abuses, as are crept in among us; nor yet be able to understand the Conditions and Customs of Places, being yourself so far distant, unless your Holiness be of others duly informed and instructed; we therefore, having full and perfect Notice and Intelligence of all the Errors and Abuses of the said Places within the said Realm, have thought fit to signify the same unto your Holiness, namely, That divers Reservations, Provisions, and Collations, by your Apostolic Predecessors of the Church of Rome, *and by you also in your Time, most Holy Father, have been granted, and now more illegally than heretofore, under divers Persons, as well Strangers and of other Nations, as unto some who are our professed Enemies, and who have little or no Understanding at all of our Language, and of the Conditions and Customs of those of whom they have the Government* [256]
and Cure; whereby a great Number of Souls are in Peril, many of the Parishioners in Danger, the Service of God neglected, the Alms and Devotion of all Men diminished, the Hospitals brought to Decay, the Churches, with their Appurtenances, ruin'd and dilapidated, Charity waxeth cold, the good and honest Natives of our own Country unadvanced, the Charge and Cure of Souls unregarded, the pious Zeal of the People restrained, many poor Scholars of our own unpreferred, and the Treasure of the Realm exported, against the Mind and Intention of the Founders.

All which Errors, Abuses, and Slanders, most Holy Father, we neither can nor ought any longer to suffer or endure; wherefore we most humbly require your Holiness, that the Slanders, Abuses, and Errors, which we have declared unto you, may, of your own great Prudence, be thoroughly considered; and that it may please you, that such Reservations, Provisions, and Collations may be utterly repealed, that the same, from henceforth, be no more used among us; and that such Order and Remedy be forthwith taken therein, that the said Benefices, Edifices, Offices, and Rights, with their Appurtenances, may, by our Countrymen, to the Honour of God, be supplied, occupied, and governed. And that it may further please your Holiness, by your Letters, to signify unto us, without Delay or further protracting of Time, what your Pleasure is touching this lawful Request and Demand, that we may

K. *Edward* III. *diligently do our Duty herein for the Remedy, Correction, and Amendment of the Enormities above ſpecified. In Witneſs whereof, unto theſe Letters Patent we have ſet our Hands and Seals.*—Given in full Parliament at *Weſtminſter*, the 18th Day of *May*, *An. Dom.* 1343.

Mr. *Barnes* proceeds and tells us what Reception this extraordinary Letter met with from the Pope, which was delivered to him by Sir *John Shoreditch*, ſent on purpoſe to *Avignon*. He gives us alſo the Anſwer the Holy Father returned to King *Edward* about it; as alſo the King's Reply to the Pope; which laſt that Author calls 'a moſt 'famous Epiſtle, in Defence of the Church of *England*, 'againſt Papal Encroachments; which was of ſuch Force, 'adds he, that neither the Pope nor his Cardinals could [257] 'tell how to anſwer, and they were obliged to comply 'with the Terms of it for that Time [r].'

In this Parliament the King created his eldeſt Son Prince of *Wales*, inveſting him with a Coronet, a Gold Ring, and a Silver Rod. He alſo gave him ſeveral more Lands and Revenues than he enjoyed before, the better to ſupport this new Dignity.

Before we take Leave of this Parliament it would be ungenerous not to take Notice of what a late Hiſtorian [s] has given us, by Way of Remark, on the Tranſactions of

[r] The Pope's Proviſions were thus made: When any Biſhoprick, Abbey, or good Benefice was likely to be void, the Pope having Notice of it by ſome of his Agents here, would, by an Act of Proviſion, predиſpoſe of ſuch Places to ſuch Foreigners as he pleaſed; whereby Patrons were defeated of their Preſentations, and *Engliſhmen* of their Preferments, unleſs they would buy off the Proviſions. *Kennet*'s *Hiſtory of England*, p. 220. Note *(b)*.

Another Clergyman of the Church of *England* writes, 'That the Encroachments of the Court of *Rome*, with reference to Proviſions, were 'now grown to a ſcandalous Exceſs: For, at almoſt every Vacancy, the Pope 'pretended to fill the See upon the Score of Reſervations. Thus the Right 'of Elections was overborne, and Biſhopricks often beſtowed upon ignorant 'and unqualified Perſons. The former Popes managed this Licence with 'ſome Temper, and were injurious, as one may ſay, within a Rule: But 'at laſt that Court grew altogether arbitrary and abſolute, and over-ruled 'every Thing as they thought fit; ſo that, had they not received a Check 'from the State, they would perfectly have maſtered the *Engliſh* Hierarchy, 'and had all the Biſhopricks at their Diſpoſal.' *Collier*'s *Eccleſiaſtical Hiſtory*, Book VI. p. 531.

A Tranſlation of the King's Letter to the Pope, on this Occaſion, is in the ſame Hiſtory, p. 546.

[s] The Rev. Mr. *Carte*. And to do Juſtice to that Author, though he is dead, he has been more exact and ſingular in his Extracts from Parliamentary Records, &c. than any other general Hiſtorian, either before or ſince his Time.

of it. After observing the different Places of Meeting of the Lords and Commons as above, he adds, 'It may 'not be improper to observe, that though frequent Men- 'tion is made in former Parliament Rolls, of the four 'Orders, Prelates, Barons, Knights of Shires, and 'Citizens or Burgesses, consulting each apart by them- 'selves, yet this is the first Time that those Rolls make 'a clear Distinction of the two Houses, as formed at 'present, and speak of the Knights of Shires as sitting 'in the same Chamber with the Representatives of Bo- 'roughs. This might possibly commence a few Years 'sooner, though not taken Notice of in the Rolls; which, 'omitting the Circumstances of what passed in the inter- 'mediate Sessions of each House, relate only the Trans- 'actions of Parliament-Days, *i. e.* such Days whereon 'the King was present: And accordingly both Houses 'were, on this Occasion, ordered to report their Advice 'on *May* 1, in the said Parliament, to the King then pre- 'sent. This was done by each separately in the *White- 'Chamber*; the Lords Spiritual and Temporal first de- 'livering their Opinion, as the Knights of the Shires and 'Commons afterwards did theirs, by the Mouth of Sir '*William Trussel*.' K. *Edward* III.

The same Author adds, from the Rolls of Parliament and other Records, 'That the King asking the Com- 'mons if they had any Grievances to complain of, or 'had suffered any Oppressions, whilst he was either 'abroad or at home; they desired, by Way of Redress, 'that a Commission might be given to Justices, to be 'chosen by both Houses, and sworn before the Lords 'and Commons, to keep the Peace, and to do Justice 'in the Counties; to require, hear, and determine, of 'Felonies, Conspiracies, Champerties, Breaches of 'Peace, Lands amortised without License; the melting 'of Gold Coin by Goldsmiths, the carrying it out of the 'Land, and bringing back bad Money by Merchants; the 'Provisions and Usurpations of the Court of *Rome*, and 'other Articles; which was accordingly issued. But the 'People in general suffered so much from these new Com- 'missioners, though chosen in Parliament, that, upon 'an Application to the Throne, it was vacated in the 'next Session; so dangerous is it to deviate from antient 'Usages on the most plausible Occasion, and to adopt

K. *Edward* III. 'new Inſtitutions, before they are well conſidered and 'digeſted. The Remedies propoſed for Amendment 'of the Coin were, the ſtopping of the Importation of 'bad Money, by ſevere Penalties, and a ſtrict Search 'at the Ports; the making of new Silver Sterlings, for- 'bidding them to be carried abroad, and no other to be 'current; and the coining of Gold Florins of the ſame 'Weight, Alloy, and Value with thoſe of *Flanders*, that 'they might paſs alike in both Countries[t].'

The next Year the Truce having been broke by King *Philip*, by the barbarous Execution of ſome Noblemen, *Edward*'s Allies, he again reſolved to renew the War with the utmoſt Vigour againſt *France*. To enable him the better to carry it on, the King calls a Parliament to meet at *Weſtminſter*, *June* 7, 1344; the next Day after their Meeting, the Names of the Lords were read over and examined before the King in Parliament, to ſee who appeared and who failed; and the Names of ſuch as did not come were given to the King in Writing, to puniſh as he pleaſed.

Anno Regni 18. 1344.

At *Weſtminſter*.

On *Thurſday* after, the Lord-Chancellor, in full Parliament, the King and the young Prince of *Wales* being preſent, declared the Cauſe of this Summons to be, 'Concerning the late Truce with *France*, and the Breach 'of it by the *French* King, of which he gave ſeven par- 'ticular Inſtances. He deſired the Three Eſtates of the 'Realm to conſider of thoſe Things, and that they would 'give the King ſuch Advice and Aſſiſtance as was ne- 'ceſſary for the ſaving of his and their own Rights and 'Honours.'

[258] The whole Aſſembly prayed that they might have Time to deliberate of theſe Matters till the *Monday* next; and, upon another Petition, they were again reſpited to the *Wedneſday* following. On that Day a ſelect Committee of the whole Body, conſiſting of the Archbiſhop and

[t] *Knyghton* remarks, that Gold Coin was firſt ſtruck and made current at this Time: His Words are, *Eodem Tempore* Nobile, Obolus, *et* Ferthing, *de Auro cœperunt florere in Regno; unde in eodem Parliamento ordinatum eſt quod nullus de Communibus artaretur capere de nova Moneta Auri quod Rex ordinaverat de novo tranſire per Medium, et in quacunque Solutione, citra Solutionem et Summam* 20 s. *Et quod Moneta Auri et Argenti fiat conſimili Modo et Forma et Pondere apud* Eboracum, *et aliàs Civitates ubi ſolet fieri, ſicut ad Turrim* Londinenſem; *et quod* Eſcambium *Monetæ eſſet in magnis Civitatibus et Villis*, Knyghton, *col.* 2584.

and ten other Biſhops, five Abbots, two Priors, eight Earls, and ſix Barons, being all named in the Record, with the Commons of the Realm, waited on the King in the *White-Chamber* at *Weſtminſter*, and declared in his Preſence, 'That having Regard to the great Miſ-'chiefs and Dangers that might affect his Majeſty and 'all his Subjects and Allies, if the Malice of his Adver-'ſary was not ſtopped; and conſidering the heavy Char-'ges which the Lords and Commons of *England* had 'been at, and ſuffered, by reaſon of the War continu-'ing ſo long, by falſe Truces of Sufferances; and ſee-'ing that an End of the War, or an honourable Peace, 'was not to be obtained without great Power and Force, 'they therefore pray the King, with one Accord, and 'every particular Peer by himſelf, that he would make 'a ſpeedy End of this War, either by Battle or a pro-'per Peace, if ſuch might be had: And that, when the 'King ſhould be ready to croſs the Seas, to take what 'God ſhould allot him, upon the Iſſue of this Affair, 'he ſhould not, for the Letters or Command of the 'Pope, or any other, lay aſide his Voyage, untill he had 'made an End, one Way or another, of this tedious War.' To all which Prayer the King readily aſſented. K. *Edward* III.

But the Parliament rightly judging that this Affair could not be brought about without a large and ſufficient Aid, the whole Body of the Clergy, for the Province of *Canterbury*, by their Prelates and Proctors, taxed themſelves in a triennial Tenth. The Commons granted the King, for the ſame Cauſe, two Fifteenths of the Commonalty of the Land, and two Tenths of the Cities and Boroughs. Soon after the Commons gave another Fifteenth Penny of their Goods, and one Tenth more on Cities and Boroughs; obſerving, at the ſame Time, to their Sovereign Lord, That this laſt Grant was harder to bear, by his poor exhauſted Commons, than four Fifteenths would have been heretofore: But on theſe Conditions, That the Money ariſing ſhould be rightly applied to the Uſes of the War; and that the Prince, or one other of the King's Sons, ſhould be joined to Sir *Edward de Baliol* to guard the Marches of *Scotland*, *&c.* To all which the King aſſented. Many of the Lay Lords agreed to paſs over the Seas, and adventure themſelves with the King, and are therefore not found upon the Roll A Supply granted for the *French* War.

K. *Edward* III. as taxed [u]. Several Acts were done in this Seſſion; but, as they are chiefly on ſome Eccleſiaſtical or private Affairs, we refer to the *Statutes at large* for the Particulars [w].

[259]

[260] The King having provided for the Settlement of Juſtice during his Abſence, and left the Regency to his ſecond Son, Prince *Lionel*, appointing the Archbiſhop of *Canterbury*, and others of his Council, to aſſiſt him, he took Leave of his Queen, and, accompanied with his Son the Prince of *Wales*, together with moſt of the chief Earls and Barons of *England*, beſides many Knights and Gentlemen of the beſt Quality, who were bound by their Tenures to attend him, went to *Southampton*; where, muſtering up all his Officers, he made a ſhort Speech to them, which was afterwards communicated to the whole Army, to this Purport: 'He ſet forth his Title to the 'Crown of *France* and the Juſtice of his Arms, deſiring 'them, upon their Landing, to behave themſelves like 'Men; and that, ſince he reſolved to ſend back his Fleet [261] 'as ſoon as he arrived in *France*, if any Man's Heart 'fail'd him he might ſtay in *England*.' To which they anſwered with one Conſent, 'They were all ready to 'follow him, even to Death itſelf.'

And appoints his ſecond Son, *Lionel*, Regent.

This Digreſſion we hope may be pardonable, ſince it is all we ſhall ſay of this great King and his warlike Expedition, which takes up many Folio Pages in the larger Hiſtories of theſe Times. But in his Abſence, however, the young Regent and his Council furniſh us with new Matter both for Connection and Purſuit of our own. A Parliament was called to meet at *Weſtminſter* on the *Monday* next after *Lady Day*, in the Year 1347, *Anno Regni* 21.

Anno Regni 21. 1347.

At *Weſtminſter*.

This Parliament was opened with the uſual Formalities at that Time; as, a Proclamation againſt wearing of Armour and uſing of Games in and about *Weſtminſter* during the Seſſion; a Time was appointed for all ſuch as had any Petitions to exhibit; the Receivers alſo and Tryers were conſtituted to conſider the Contents of them, refer-

[u] *Brady* and *Tyrrel*. Rot. Par. 18 *Edw.* III. N°. 5 to 10. See the *Statutes at large*, *Anno Regni* 18 *Edw.* III. 1344.

In Conſideration of the Aid granted by the Clergy at this Time, the Liberties of the Church were further explained and confirmed by an Act of Parliament. See *Collier*'s *Eccleſiaſtical Hiſtory*, p. 548.

[w] P. 304.

referring to *England*, *Ireland*, *Wales*, *Scotland*, *Gascoigny*, and other foreign Countries and Islands. Sir *Thomas Drayton* was appointed Clerk to this Parliament; but, because several of the Lords and Commons were not yet come up, they adjourned to the Day following. At which Time, the House being further informed that Sir *Bartholomew Burgherſh* and Sir *John Darcy*, Lords Chamberlains, Mr. *John Thoreſby*, and Mr. *John Charleton*, were arrived as Meſſengers from the King then lying before *Calais*, and ſince they could not be ready to make their Appearance before the *Wedneſday* next, the Houſe adjourned again to that Day [x].

K. *Edward* III.

The Day being come, a Declaration was made in open Parliament, that the Reaſons of their preſent Meeting were, 'Becauſe the King, ſince his paſſing the [262] 'Sea, and his Attempts in *France*, was now uncertain 'of his Condition; and that, according to the Iſſue or 'Exigence in Affairs abroad, Matters might be con- 'certed at home for the Safety of his Majeſty and the 'common Peace and Wealth of his Kingdom; which 'laſt was viſibly damnified by the Sufferance of falſe Mo- 'ney to go current in it.'

Then was produced the King's Letters Patent, as Credentials, in which the aforeſaid Declaration was, *verbatim*, expreſſed, dated at the Siege of *Calais*; which being read in open Parliament, Sir *Bartholomew Burgherſh*, for and in the Name of himſelf and the reſt of his Colleagues, in the Preſence of the Regent and the Three Eſtates of the Kingdom, declared the good Succeſs of the King ſince his Arrival at *La Hogue*, in *Normandy*, as in ſurprizing and taking many Towns and Caſtles of War, as well at *Caen* as elſewere; and alſo of the great Victory obtain'd at *Creſſy*, where the whole Power of *France* was diſcomfited; and how the King was now come before *Calais*, from whence he intended not to depart, till, by the Help of God, he had won the ſame; after which he intended to purſue the Enemy, without Return, till the War ſhould be fully ended. This done, he produced the Copy of an Order, made by the King of *France*, in reference to his Son the Duke

Meſſengers ſent to the Parliament, to acquaint them with the King's Succeſs in *France*.

[x] The King's Letters Patent for appointing theſe Commiſſioners is dated *Juxta* Caleſium *octavo Die* Septembris. *Burgherſh* and *Darcy* were his two Chamberlains; *Thoreſby* was Keeper of the Privy Seal, and afterwards Archbiſhop of *York*. *Fœd. Ang.* Tom. V. p. 526.

K. *Edward* III. Duke of *Normandy*, and others, Nobles of that Country; which was particularly recited, being called the Ordinance of *Normandy*, and was to this Effect: 'That the 'Duke of *Normandy* ſhould paſs as Chief, with other 'Nobles of that Province, into *England*, with 4000 'Men of Arms, Knights, Eſquires, and Perſons of good 'Eſtate, and 40,000 Footmen, Methods being there 'preſcribed for keeping the Sea; and an Order alſo added, that the ſaid Duke ſhould remain in *England* with 'the ſaid Forces, for the Space of ten Weeks. And in 'Caſe the Realm of *England* ſhould, in this Expedition, 'be conquer'd, that then the Conqueſt ſhould ſolely be 'to the Name, Honour, and Advantage of the ſaid 'Duke, and all whatſoever the King of *England* at that 'Time had there, ſhould remain entirely to the ſaid 'Duke, and the Knights and Lords with him. That [263] 'all that which belonged to the Nobles, and Secular 'Perſons of *England*, ſhould be beſtow'd on the Churches 'and famous Towns in *Normandy*; only, out of the Revenues of the Church of *England*, the *French* King 'ſhall receive yearly 20,000 *l. Sterling*, ſaving the Rights 'of his Holineſs. And that, *laſtly*, Surrender be made 'unto the *Scots* of whatſoever hath at any Time been 'taken from them, and annexed unto the Crown of '*England*.'

This Inſtrument was made and dated, as appears by the Copy of it upon the Rolls, from the Caſtle of *Bois de Vincennes*, *March* 28, 1338; which ſhews that an Invaſion of *England* had been long premeditated by the *French*, and that *Edward*'s turning the Tables upon them was rightly timed, and his Quarrel juſt. It is ſaid to have been found amongſt the Archives at *Caen*, in *Normandy*, and muſt give great Indignation to an *Engliſh* Parliament, to find, by it, that the *French* were thus dividing the Lion's Skin amongſt them before he was ſlain. But they ſoon found the contrary to their Coſt; and, inſtead of invading other Countries, that they were not able to preſerve their own.——But to our Parliament.

The ſaid Meſſengers, by the Mouth of Sir *Bartholomew Burgherſh*, requir'd to know what Aid they thought fit to grant to the King, toward the Furtherance of his Enterprizes and the Defence of the Realm: In Anſwer

to

to which the Commons, having desired Respite for their Answer till the *Thursday* next ensuing, declared on the said *Thursday*, by a Schedule at large, the sundry particular former Aids they had given, the Imposition of 40*s.* Custom of Wooll, extorted of them against Law, besides the great Charge they had been at in the arraying of Men, and common taking of Purveyors: Notwithstanding which they freely granted the King two Fifteenths in two Years, so as that, if within two Years the Wars should cease, then the latter Fifteenth to cease also. K. *Edward* III. A Subsidy granted for the War,

After this follow the Petitions of the Commons with their Answers, made by Prince *Lionel*, by Commission from the King, in the King's Name, in Manner following, *viz.* And Petitions presented to the Prince Regent.

Petition. 'That all Acts of Parliament, not repealed, may be fully and entirely observed, so as there pass forth no Commissions of Array.

Answer. *The first Point the King grants; of the rest he will be advised.*

Petition. 'That such as were fined for not arraying of Men may be discharged.

Answer. *The King will take Advice.*

Petition. 'That all within six Miles of the Sea may have a *Supersedeas* for arraying of Men.

Answer. *Only such as keep the Sea-Coasts shall have a* Supersedeas. *It is enacted that the Coinage in all Places shall be open as heretofore:* Item, *that those who import false Money into the Realm shall forfeit Life and Limb; and that the Justices of Assize, and of the Peace, shall inquire thereafter.* [264]

Petition. 'That the King's Receivers may receive as well Gold as Silver; and that the Changers thereof be not without Parliament.

Answer. *The first is granted; the other respited.*

Petition. 'That the 40*s.* Subsidy of every Sack of Wooll may cease.

Answer. *The King's Mind must be known first.*

Petition. 'That Payment may be made for the last taking up of Victuals.

Answer. *Order shall be taken for that.*

Petition. 'That the Chief of every County may be Justices of Peace; and that they may determine all Felonies.

Answer.

K. *Edward* III. Answer. *The first is granted: For the second the King will appoint Justices learned in the Laws.*

Petition. 'That the keeping of the Sea be at the 'King's Charge thenceforward.

Answer. *The Sea shall be kept, as it hath been heretofore.*

Petition. 'That Sheriffs in every County may have 'sufficient in their Counties; and that none of those 'Offices be granted for Life, or in Fee: *Item*, that Pur-'veyors, who have not the Constables with them, ac-'cording to the Statute of *Westminster*, may be looked 'on as Thieves; and that Justices of Assize, and of the 'Peace, may inquire of the same.'

Answer. *The Statute made shall be observed.*

Petition. 'That the Fifteenths in Towns and an-'cient Demesnes be levied, as in the Bodies of Counties, 'without Increase.

Answer. *They shall be levied after the accustomed Manner.*

Petition. 'That all Justices of the Inquest may be 'sworn as Justices of the Bench; and that the Chief 'of them may have Power to swear the rest.

Answer. *Such Justices shall be sworn as ought to be; so as they take nothing but Meat and Drink, and that of small Value; and the Chief shall be impowered to swear the rest.*

Petition. 'That the Fifteenths beyond the *Trent* be 'employed only for Defence of the North.

[265] Answer. *The King will provide for Defence of those Parts.*

Petition. 'That Strangers, Enemies of the Realm, 'who remain now in *Newgate*, may be adjudged du-'ring the Parliament.

Answer. *They shall remain there till further Order.*

Petition. 'That no Charter of Pardon be granted 'since the King's last Expedition.

Answer. *Advice shall be taken. It is enacted, That* Lombards, *and other Merchants, shall receive Gold for their Ware, without any Compact, on Pain of Fine and Imprisonment.*

Petition. 'That all alien Monks do avoid the Realm 'by *Michaelmas*, and that their Livings be disposed of 'to young English Scholars; and that such Aliens, Ene-

mies,

‘ mies, as are advanced to Livings (they being, in their K. *Edward* III.
‘ own Countries, but Shoemakers, Taylors, or Cham-
‘ berlains of Cardinals) may depart the Realm before
‘ *Michaelmas*, and their Livings be beſtowed on poor
‘ *Engliſh* Scholars.

Anſwer. *To theſe two Petitions this one Anſwer was given, That the Perſons, being Spiritual, were not to be tried by Parliament; and that their Livings, being in the King's Hands, were not without him to be diſpoſed of.*

Petition. ‘ That the King may take the Profits of
‘ all other Strangers' Livings, as Cardinals and others,
‘ during their Lives.

Anſwer. *The King doth take their Profits, and the Council have ſent their Petition to his Majeſty.*

Petition. ‘ That no Payment be made to any Car-
‘ dinals, living in *France*, to treat either of War or Peace.

Anſwer. *This is granted, as reaſonable.*

Petition. ‘ That foreign Proviſors, or Aliens buying
‘ Proviſions, do quit the Realm by *Michaelmas*, on Peril
‘ of being outlawed.

Anſwer. *The Statute heretofore made ſhall be obſerved, and the King ſhall ſignify the ſame to the Pope.*

Petition. ‘ That the annual Advancement of 2000
‘ Marks, granted out of the Province of *Canterbury*, may
‘ be reſtrained, and that thoſe, who ſue for Recovery
‘ thereof, may be outlawed.

Anſwer. *The Lords think the ſame reaſonable; and it is further commanded, That no ſuch be from henceforth received.* [266]

‘ It is enacted, That whoſoever ſhall bring into the
‘ Realm any Aliens, the Veſſel wherein they are brought
‘ ſhall be forfeited to the King, and the Body of the
‘ Bringer ſhall lie at the King's Diſcretion.

‘ It is enacted, That, during the Wars, no Perſon
‘ do ſend or tranſport any Money to the Pope, or to any
‘ Biſhop, or other Alien whatſoever, for any Duty
‘ whatſoever.

Petition. ‘ That no *Engliſhman* do farm any Thing of
‘ any Alien Religious, nor buy any of their Goods, nor be
‘ of their Counſel, on Pain of perpetual Impriſonment.

Anſwer. *This is againſt the King's Profit, who reaps Benefit by ſuch Farmers.*

Petition.

K. *Edward* III. *Petition.* 'That all Friars, Aliens, ſhould depart the 'Realm, never to return hither again.

Anſwer. *Order ſhall be taken with every General of all the Houſes of Friars, ſo to look to all Friars, Aliens, under their ſeveral Charges, as that they ſhall not be able to diſcloſe the Secrets of the Realm.*

Petition. 'That the annual Penſion of ſeven Shillings, which Sir *Raimond Peligrue* received of every Religious Houſe within the Realm, may henceforward ceaſe.

Anſwer. *The ſaid Sir* Raimond *is the King's Liegeman, born in* Gaſcoigny, *and ſworn of the King's Counſeil, by whoſe Command he receiveth the ſame.*

Petition. 'That the annual Penſion of 2000*l.* paid to the Abbot of *Clugny* may ceaſe for ever.

Anſwer. *The ſame is paid there.*

Petition. 'That the Statute made, That the King 'ſhould preſent unto any Church of his Gift, falling 'void, at any Time within three Years, ſo as, if the 'Parſon had continued therein for three Years, that he 'ſhould not be turned out, may ſtand.

Anſwer. *The King will be adviſed.*

'It is enacted, That no Perſon bring into the Realm, 'to any Biſhop or other, any Bull, or other Letters, 'from the Court of *Rome*, or from any Alien, unleſs he 'firſt ſhew the ſame to the Lord Chancellor, or to the 'Warden of the *Cinque Ports*, on Loſs of all that he 'hath.

[267] 'It is enacted, That all Religious Perſons, for Lands 'purchaſed ſince 20 *Edward* III. and paying no De-'meſne therefore amongſt the Clergy, ſhall pay Fif-'teenths.'

After this Mr. *John Charleton*, one of the Meſſengers aforeſaid, produced Letters from the Biſhop of *Durham*, from the Earls of *Northampton*, *Arundele*, *Warwick*, *Oxford*, and *Suffolk*, and from Sir *Hugh le Deſpenſer*, Lord of *Glamorgan*, directed to the whole Parliament, purporting, That whereas the King at his Arrival at *La Hogue St. Vaſt*, in *Normandy*, had knighted his eldeſt Son, the Prince of *Wales*, whereby he ought to have an Aid of the Realm, *viz.* Forty Shillings of every Knight's Fee, they would now conſider thereof. Here-

upon

upon the Parliament agreed thereto immediately, and took Order for the ſpeedy levying the ſame [r]. K. *Edward* III.

It was alſo order'd in full Parliament, at the Requeſt of the Commons, That the Benefices of all Aliens be ſeized into the King's Hands, and he to take the Profit of the ſame; and that, in order thereto, all Biſhops ſhould, before the next Convocation, certify into the Chancery the Names of all Aliens, their Benefices, and the Value thereof: Alſo that no Alien do ſend Letters out of the Realm, that ſhall not be firſt peruſed by the Lord-Chancellor, or the Warden of the *Cinque Ports*, on Pain of loſing all he hath.

This was the Subſtance of this Parliament's Proceedings; which we are perſuaded will not be thought tedious, ſince the Form of it will evidently ſhew what Senſe the People of *England* had at that Time of the King's great Conqueſts and Victories in *France*. This Parliament, having ſat only ten or eleven Days, was diſſolved; which is another Inſtance to ſhew that, when Men are ſo minded, a great deal of Buſineſs may be done in a ſhort Time.

The learned Mr *Barnes* opens the ſeventh Chapter of his ſecond Book in ſo pompous a Manner, that we cannot forbear tranſcribing of it. The King, having taken the important Town of *Calais*, had conſented to a Truce with *France*, and returned to *England*; when, ſays this Author, 'Now doth King *Edward* III. ſtand 'in the full Zenith both of his Age and Glories; he 'had but juſt paſt the thirty-fifth Year of his Life, and 'yet was crowned at home, in his Family, with a lovely 'Row of hopeful Children, a virtuous and beautiful 'Conſort, and in his Kingdoms with Peace and full Pro- 'ſperity. Abroad, he was renowned above all the Kings 'of the Earth, for his notable Victories by Sea and Land, 'in *Scotland*, *France*, and *Bretagne*; for ſet Battles, for 'taking of Towns, for Kings ſlain, Kings routed, and 'Kings taken Captive; nor was his Moderation leſs ad- 'mir'd, which he ſhew'd in refuſing the Title and Dignity 'of an Emperor. This, in my Opinion, adds our Au- 'thor, is the brighteſt Part of all his Reign, tho' yet an- 'other [268] The King returns.

[r] The Letter which *Barnes* mentions to come from the Lords about the King at *Calais*, to deſire the Parliament to grant him the Aid for the Knighthood of his eldeſt Son, is in *Rymer*, p. 527.

K. *Edward* III. 'other King remains to be Captive by his Arms, and 'another King is deſtined to recover an uſurped Crown 'by the Aid of his Sword and Fortune.'

In the next Paragraph, Mr. *Barnes* goes on and moraliſes much on the unhappy Conſequences that follow Conqueſts; by which ſuch a Superfluity of Riches and Vanities were brought into *England*, that from this Period of Time he dates the Beginning of Pride and Luxury, which were ill exchanged for the Native Simplicity and Candour of the *Engliſh* Nation. And to which, he thinks, all the Miſeries in the ſubſequent Civil Wars, down to the Reign of *Henry* VII. may be aſcribed.

Anno Regni 22. 1348. At *Weſtminſter*. Within five or ſix Weeks after the King's Return to *England*, out of *France*, he iſſued out Writs, dated *November* 13, for a Parliament to meet on the 14th of *January* following, at *Weſtminſter*[s]. They did not ſit on that Day, but adjourned for three more, to give Time, as before, for the more diſtant Peers and Commons to come up. Being all aſſembled, Sir *William Thorpe*, Lord Chief Juſtice, by the King's Command, opened the Cauſe of the Summons in his Preſence, and, [269] in full Parliament, declar'd that it was on two Accounts: 'Firſt, Concerning the War with the Conſent of the 'Parliament; next, How the Peace of the Nation might 'be better kept.'

The Lords and Commons debated earneſtly on theſe Matters for ſome Time; when, on the fourth Day, the Commons declared, 'That they were not able to ad-'viſe any Thing concerning the War, and therefore de-'ſired to be excuſed as to that Point; and that if the 'King [t] would be adviſed by his Nobles and Council, 'what ſhall be by them determined, they would con-'ſent unto, confirm, and eſtabliſh.'

As to keeping the Peace, and the better Governance of the Land, the Commons preſented many Petitions to the King for the Redreſs of Grievances, and the like: Theſe, with the Anſwers to them, amount to no leſs than 70 Articles, and are too copious for our Deſign: However, there is one, more remarkable than the reſt, which muſt not be omitted. It ſhews the Jealouſy of the

[s] *Barnes* takes no Notice of this firſt Parliament after the King's Return.

[t] *Des Grants et Sages de votre Conſeil*, Rot. Parl.

the Commons, in thoſe Days, on any Impoſitions or Taxations on Goods or Merchandize, without their Advice and Conſent. K. *Edward* III.

'Whereas, in a Council holden by *Lionel*[u] the King's 'Son, then Guardian of the Realm, it was ordered, '*without the Conſent of the Commons*, That, for keeping 'the Realm, and ſafe Conduct of Merchant Ships, 2 *s.* 'ſhould be taken of every Sack of Wooll paſſing the 'Sea, 2 *s.* on every Tun of Wine, and upon every Pound 'of ——[w] imported, 6 *d.* to continue 'till *Michaelmas* 'next; that it would pleaſe the King to ſuffer this 'Charge to fall, and that he would ſend Letters to the 'Collectors of it accordingly.'

Anſwer. *All Charges, ſuppoſed in this Article, are laid down, except* 2 s. *on the Sacks, which is only to endure 'till* Eaſter *next; and foraſmuch as theſe Charges were ordained for ſafe Conduct of Merchandizes into the Realm, and out of it to foreign Parts, for Proviſion of which the King hath laid out much Money, it is hoped that the levying of it, for ſo little a Time to come, cannot be thought grievous.*

The Commons conclude their Petitions with a Deſire to the King, That, ſince they ſtaid there at great Charges and Expences, they might have an Anſwer ſpeedily, and be diſmiſſed to their own Countries.

How long this Parliament ſat is uncertain, as it is indeed of all the reſt at this Time. The Records are very punctual in naming the exact Time when they met, but rarely, or never, when they were diſſolved. However, we find another called the Year after, to meet on the *Monday* next after *Midlent*, which happened to be the 17th of *March* that Year. At this Meeting, as uſual, Anno Regni 23. 1349. Reſpite was given of a Day or two for all to come up; and, when aſſembled, the ſame Sir *William Thorpe* declared the Cauſe of it to be, 'That the King had, ac- At *Weſtminſter*, 'cording to the Truce agreed to at *Calais*, ſent Commiſ- 'ſioners to the Pope, from whom he had long ſince ex- 'pected ſome ſatisfactory Anſwer, but as yet had recei- 'ved none. Alſo, that ſundry Articles of the Truce, 'touching both the Kings and their Allies, were not 'duly

[u] He is called, in the Record, *Leonel de Andwers*, of *Antwerp*, from being born there.

[w] The Word is *des Avoirs*, which we own we cannot tranſlate.

K. *Edward* III. [270]

'duly performed; and further, that the *French* were 'preparing a puiſſant Army, wherewith to invade the 'Realm. From all which it appeared that the Truce 'was but fickle, and that it was neither ſafe nor prudent 'to rely upon it, but rather to be arm'd betimes againſt 'the worſt that might happen; that this War, which 'was undertaken by the Advice and Conſent of Parlia-'ment, might have a proſperous Ending, and be carried 'on with the leaſt Charge to his People. He added, 'That the Conſervation of the Public Peace at home 'was another main Point for their Conſiderations, and 'that this muſt be done by wholeſome Laws, duly and 'impartially adminiſter'd.'

Debates aroſe again amongſt them, and continued for ſome Days; when, at laſt, the Commons agreed upon an humble Petition, or Repreſentation, to the King, on the preſent State of the Nation: Which being a Parliamentary Proceeding very memorable, muſt find a Place, as tranſlated from the original Record [x], in theſe Inquiries.

To their Moſt Honourable and Moſt Redoubted Liege Lord, his poor Commons ſhew,

The Commons' Repreſentation of the State of the Nation to the King, declaring they will grant no Supplies but on Condition of their Grievances being redreſſed.

'THAT at his laſt Parliament he ſent the Noble 'Earls of *Lancaſter* and *Northampton*, and other 'Great Men, to tell them that he intended not to take 'any Thing more of them, or to charge them farther; 'which they had publiſhed to the whole Land, for which 'they had alſo thanked him, according to their Know-'ledge, as much as they could, and prayed for him 'Night and Day: And yet at this preſent Parliament, 'upon certain News now arrived, he demanded a very 'great Charge of his poor Commons. Wherefore they 'deſire his Noble and Thrice-honoured Grace would 'be pleaſed to underſtand the Miſchiefs and Burdens of 'the Commons; that is to ſay, the reaſonable Aid which 'had been pardoned [y] in his 14th Year; that is, a Grant 'was then made it ſhould not be paid in all his Reign; 'to wit, 40*s.* upon every Knight's Fee, to make his 'eldeſt Son Knight; whereas, by Statute, there was 'but 20*s.* due upon every Fee; beſides the Fifteenths of 'the

x Rot. Parl. 22 *Edward* III.——y Remitted.

'the Commons, and Tenths of Cities and Boroughs; K. *Edward* III.
'Men at Arms, Hobelors, Archers taking of Victuals
'without paying for them; guarding the Sea; and also [271]
'the Subsidy of Wooll, by reason whereof every Sack of
'Wooll, that was the Treasure of the Land, was sold
'for 40*s.* less than its Value. And as it would be
'a great Trouble to the Commons to bear any Charge,
'that therefore, if the Aid, now to be granted, might
'not be turned into Wooll, neither by way of Loan
'or Value, nor in any other Manner, nor levied too
'hastily, but in the Form it was wont to be granted,
'and that the Eyres of Justices in the mean Time might
'cease, as well of the Forest as of the Common Pleas,
'and general Inquiry in the whole Land: That when
'this Aid should be levied, that then, for the future, no
'Subsidy upon Wooll may be granted by the Merchants;
'and that no Imposition, Loan, or other Tallage, or
'Charge whatsoever, shall be put upon them (the Com-
'mons) by the Privy Council, without their Grant and
'Consent in Parliament; and that two Prelates, two
'Lords, and two Justices might be assigned to hear and
'dispatch their Petitions, which were not answer'd in the
'last Parliament; and that their Petitions in this Par-
'liament might also be answered according to Reason,
'and the Answers to remain in Force, without being
'changed or altered [u]: That the Justices do inquire of
'false Money, which ruins the People: That *David*
'*Bruce*, *William Douglas*, and other Chief Men of *Scot-*
'*land*, may in no Manner be releas'd, neither by Ransom,
'nor upon their Faith: That the King would restore
'the 20,000 Sacks of Wooll taken of the Commons by
'way of Loan: That an Aid to marry his Daughter
'might not be taken in the mean Time; and that there
'might be no Marshalsea in *England*, except that of the
'King, or the Guardian of *England*, when He was out
'of the Kingdom.

'Upon these Conditions, and not otherwise, as also
'that they may be entered in the Parliament-Roll, as
'Matter of Record, by which they might have Remedy,
'if any Thing should be done to the contrary in Time to
'come, the said poor Commonalty, to their very great
'Mischief, grant to the King three Fifteenths, to be le-

[u] See before, p. 263, 281, *et sequent.*

K. *Edward* III. [272]

A Subfidy granted on Terms.

'vied in three Years, to begin at *Michaelmas* next co-'ming, ſo as every Year one Fifteenth may be levied, and 'no more, at two Terms in the Year, *viz.* St. *Michael* 'and *Eaſter*, by even Portions; and that this Aid may be 'aſſigned and reſerved only for the War, and not to 'pay Debts; and if the War ſhould ceaſe, or a Truce 'be made, then the Fifteenth of the laſt Year not to be 'levied. That of theſe Conditions, and the Manner 'of this Grant, Letters Patent ſhould be made, and ſent 'into all Counties, without paying any Thing for them; 'wherein ſhould be mentioned the great Neceſſity the 'King was in after the laſt Parliament; and in Caſe 'the War ſhould break out towards *Scotland*, the Aid 'granted beyond *Trent* ſhould be employed for the De-'fence of thoſe Parts, as it had been formerly.'

Mr. *Barnes* has given us, from the Record, the further Petitions of this Parliament to the King, with his Anſwers; but as many of them are not very material, we ſhall refer to that Author, and only mention one of the laſt. 'In this was contained a long Complaint againſt 'Foreſters, for afforeſting of Men's Purlieus, for undue 'Trial, and for Extortions: to which was added a Re-'queſt, that *Magna Charta* may be obſerv'd, and that all 'Men may enjoy their Purlieus according to the Peram-'bulations in the Time of King *Edward* I.'

Anſwer. *The King wills that* Magna Charta *be kept inviolable; and thoſe that will complain in Right of their Purlieus may have Writs out of Chancery to redreſs them.*

Another Author obſerves upon this, how ſenſible the Commons of *England* have been upon any Infringement of their Great Charters of Liberties and Foreſts; and alſo how ready the greateſt and moſt powerful of our Kings have been to give them all due Satisfaction to ſuch Petitions or Demands, in their own Way[w].

If

[w] *Tyrrel*, p. 555. In the *Public Acts* we find a Writ directed to the King of *Scots* to come to this latter Parliament; which, for the Rarity of it, deſerves a Tranſcript.

Rex, magnifico Principi et fideli ſuo Edwardo, *eadem Gratia, Regi* Scotiæ, *Conſanguineo ſuo cariſſimo, Salutem.*

Quia pro magnis et arduis Negotiis, tam nos et Statum noſtri Angliæ, *quam vos et Terram et Gentem* Scotiæ *ſumme concernentibus, Parliamentum noſtrum apud* Weſtmonaſterium *ad Diem* Lunæ, *proximam poſt Diem Dominicam*

If we have been too prolix in our last Proceedings, we have now a Chasm of Time in which we can meet with nothing to our Purpose. An universal Plague, introduced by many frightful Prodigies, which our Biographer *Barnes* has given us, and which at last ravaged this Island in a dreadful Manner, prevented all Parliamentary Meetings for full two Years [x]. But, K. *Edward* III. [273]

The King, towards the latter End of the Year 1350, having Occasion for the Advice of Parliament, issued out his Writs of Summons, dated *November* 25, for one to meet on the Feast of St. *Hilary*, or *January* 13, following. On which Day being met, it was further adjourned to the 15th of *February* next after; that none might plead for Excuse they had not Time enough given them to appear in.

This Parliament, by the Records, was held, by Commission, the King and Prince of *Wales* being both absent.

Upon the Day appointed the King's Commission was read, in the *Painted-Chamber* at *Westminster*, authorizing Prince *Lionel* to hold a Parliament during the King's Absence; who it seems was gone upon some Progress, or Expedition, of which our Historians are silent: But, being prorogued for some Days, in the mean Time the King returned. Being again assembled, Sir *William de Shareshall*, the Lord Chief Justice, in the Presence of the King, Lords, and Commons, declared, 'That the Cause 'of their Summons was, first, because the King, in the '22d Year of his Reign, had held a Parliament, which 'he was hindered from continuing, as also from calling Anno Regni 25. 1351. At *Westminster*. [274]

 another,

minicam in medio Quadragesimæ proximo futurum, tenere, et ibidem cum Prælatis, Magnatibus, et Proceribus dicti Regni nostri Colloquium habere volumus et tractatum.

Et, ideo vobis, in Fide et Homagio, quibus nobis tenemini, mandamus quod, omnibus aliis prætermissis, ad dictos Diem et Locum personaliter intersitis, ibidem nobiscum et cum Prælatis, Magnatibus, et Proceribus prædictis, super Negotiis prædictis, tractaturi, vestrumque Consilium impensuri; et hoc sicut nos et Honorem nostrum et Vestrum, diligitis, nullatenus omittatis.

Teste Rege apud Westmonasterium, *decimo quarto Die* Februarii.

Fœd. Ang. *Tom.* V. p. 611, 612.

[x] In a Writ to the Bishop of *Winchester*, *Jan* 1, 1349, a Parliament is prorogued, which was to have met on the *Monday* after the Feast of St. *Hilary*, to 15 Days after *Easter*, for this Reason, *Quia tamen subita Plaga Pestilentiæ mortalis in Locis prædictis, et aliis Partibus circumvicinis, adeo Indies crevuit, quod de secuto Accessu Hominum ad Locum illum formidatur admodum his Diebus.* Fœd. Ang. *Tom.* V. p. 655.

And by another Writ they are again prorogued, for the same Reason, *ad novam Præmunitionem per nos inde faciendam*, &c. Idem, p. 658.

K. *Edward* III. another, by reason of the late dreadful Plague, to this Time. That the Business of the Wars now required their Concurrence, because the Peace was not punctually observed; and several Domestic Affairs wanted to be taken into Consideration by them; particulary, that Labourers refused to do their Work at reasonable and usual Rates: And, lastly, because the Treasure of the Realm was exported.'

The Cause of the Meeting being thus opened, the King, by the said Chief Justice, commanded the Commons to consider and advise what was best to be done to redress these Evils. In Obedience to which, and for the remedying the excessive Wages of Labourers, there was then enacted that remarkable Statute *de Servientibus*, the 25th of this King; which, tho' now obsolete, is in our *Statutes at large* [y]. It was also enacted, That every Man that purchased any Provisions of Abbies or Priories, in the Court of *Rome*, both he and his Executors, which did sue and make Executions of such Provisions, should be out of the King's Protection, and dealt with as Enemies to the King and Kingdom [z].

The Act passed, declaring what Offences shall be deemed Treason, &c.

The Declaration of what Offences shall be judged Treason was now passed into an Act; which has ever since been the great Barrier betwixt the Kings of *England* and their Subjects.

There is not any particular Petition made from the Commons to the King for the enacting this Statute, on the Rolls of Parliament, yet it is among the *Statutes at large*, and seems to have been made because the Judges had heretofore, in their Trials of Persons, condemned them as Traitors, on several Causes, which the People did

y There had been an Alteration and Reduction made in the *English* Coin about this Time, that though it wanted in Weight, yet it was made to pass according to its former Value. And whereas before there were no other Pieces of Money, but Nobles and Half-Nobles, with small Pieces of Silver called Sterlings, the King caused Groats and Half-Groats, of equal Value with the Sterling Money, to be coined, which raised the Prices of Provisions and Commodities, which usually rise and fall according to the Plenty or Scarcity of Money, and made Servants and Labourers to raise their Wages. For which Reason this Statute was made to reduce the same to the usual Rates given before the late great Mortality. *Sam. Daniel* in *Kennet*, p. 224.

For the Statute of Labourers, and the Wages assigned every particular Craft, see *Statutes at large*, *An. Reg.* 25 Edw. III. 1350.

z Call'd the second Statute of *Provisors*. See *Hawkin*'s *Statutes at large*, 25 *Ed.* III. p. 450. And *Collier's Eccles. Hist.* p. 554.

See before, p. 253, 270.

did not know was Treaſon. The Parliament conſider- K. *Edward* III.
ing how to ſettle this material Point between the King and the Subject, wiſely enacted this Statute, which, to this Day, fixes what particular Points are to be deemed Treaſon. 'This excellent Act, ſays a late Hiſtorian[a], 'ſo juſtly celebrated in After-Ages for the Security it 'afforded to the Lives and Eſtates of good Subjects, 'ſeems to have been occaſioned by the Corruption of 'the Judges; who, in order to defraud the Nobility and 'Gentry of the Eſcheats of Lands forfeited to them as 'Lords of the Fee by their Vaſſals, in certain Caſes of 'Felony and Miſdemeanor, and to veſt the ſame in the 'Crown, multiplied Treaſons at their Pleaſure; and it 'was for this Reaſon that they were, in the latter Part 'of this Statute, expreſly reſtrained from adjudging, by 'Parity of Reaſon, Inference, or Similitude of Caſe, 'any other Facts to be Treaſon; but were to ſuſpend 'Judgment, till the Caſe ſhould be laid before the Par-'liament for its Determination, whether it ſhould be 'deemed Treaſon or Felony.'

The Judges, or thoſe who were put in that Authority by the King in thoſe Days, did not behave themſelves, in their ſeveral Stations, as that juſt Monarch could wiſh. Some Inſtances of this Kind are previous in this Reign; and now, in this very Parliament, a Lord Chief Juſtice was brought before them, accuſed, tried, and ſentenced for Bribery, contrary to his Oath. This was the ſame Sir *William Thorpe* who is named as Prolocutor to ſome former Parliaments, and who the King cauſed to appear before the preſent Aſſembly, to have the Sentence confirmed which had been paſſed upon him, and which was no leſs than Hanging. The King pardoned him as to Life, but rendered him incapable of ſerving him ever after.

The before-quoted modern Hiſtorian takes Occaſion here to remark, but does not cite his Authority, That no Lawyer ſat in this or the laſt Parliaments which made ſuch admirable Laws for the Good of the Kingdom. He then proceeds and gives us a long Diſquiſition on this Queſtion, Whether Lawyers ſhould be excluded from ſitting in Parliament or not? And

[a] *Carte's Hiſtory of England*, Vol. II. p. 480. See alſo *Appendix* to this Hiſtory, p. 1. for the whole of this Act.

K. *Edward* III. quotes ſeveral Inſtances, by Extracts, out of the Body of Writs for ſummoning divers Parliaments, that they were expreſly forbidden. The whole is a very long and learned Diſſertation on this important Point; we believe the Facts quoted to be juſt, but whether they amount to what the Author means to prove, *viz.* That Lawyers then were, and ought for ever to be, excluded from Parliament, we leave to the Gentlemen of the Long Robe to determine [b].

There are many Petitions with their Anſwers enter'd on the Rolls in this Parliament, which are too long for our Purpoſe.

[275]

Our more general Hiſtorians tell us that there were ſome Promotions made at this Time, which deſerve our Notice. *Henry* Earl of *Lancaſter* was created Duke of the ſame, as an Acknowledgement for the great Services he had done the Crown, by the general Conſent of the whole Parliament [c]. He was inveſted by girding on a Sword, and had Power to hold a Court of Chancery in the County of *Lancaſter*, to iſſue out Writs under his own Seal; and alſo to hold Pleas concerning Civil Cauſes ariſing within that Duchy. This deſerves more Notice, becauſe it is commonly ſaid that *Lancaſter* was not advanced to a County Palatine till the Reign of *Henry* IV. But as Prince *Edward* had been before created the firſt Duke that ever had been in *England*, ſo this Duke of *Lancaſter* was the ſecond that was advanced to that Dignity. At the ſame Time alſo the Lord *Ralph Stafford*, for his eminent Services, was advanced to the Title of Earl of *Stafford*; and 1000 Marks Penſion a Year was given him by the King, till he could provide Lands of that Value to ſettle on him and his Heirs for ever [d].

The Duchy of *Lancaſter* firſt inſtituted.

Mr. *Tyrrel* obſerves that there is an Error in the Parliament-Rolls made by the Clerk, by entering this Parliament where the next ſhould be, which was called the Year after. For, ſays he, the Writ of Summons, for the ſucceeding one, bears Date *November* 15, to meet on the 13th of *January* following; and as this King

[b] *Vide* Carte, p. 480.

[c] By the King's ſpecial Charter, dated *March* 6, *A. R.* 25. *Fœd. Ang.*

[d] The famous Order of the Garter was at this Time firſt inſtituted at *Windſor* by the King; *Cui tantus deinde acceſſit Honor, ut maximos quoſque Reges non pœnituerit in id venire Collegium.* Pol. Verg. *Lib.* xix. p. 378.

King begins his Reign from the first of this Month, it must be in the 26th, and not the 25th Year of it. By which, adds this Author, the Reader may find that Errors may sometimes happen in Records themselves; and must be corrected either by other Records, or the History of the Times. K. *Edward* III.

But the Error is in Mr. *Tyrrel*, and not in the Clerk; for *Edward* III. began his Reign on the 29th of *January*, 1327, and was crowned on the first of *February* following (hasty Work, indeed, but was what the Necessity of those Times requir'd); so that the Meeting of this succeeding Parliament must be still in the 25th Year of this King [c].

Anno Regni 25. 1351.

At *Westminster*.

[276]

And accordingly on the 13th of *January* the Parliament met, but was adjourned for five Days on Account of the Absentees; when, being all assembled, the Parliament was open'd by a Speech from Sir *William Shareshall*, the Lord Chief Justice, declaring the Occasion of the Summons to be, for setting forth the King's Title to the Crown of *France*; telling them, 'That *Philip* of *Valois* 'had usurped it all his Life; and not only so, but moved 'War against him in *Gascoingy* and other Places, seizing 'upon his Rights and Possessions, and doing all the Mis- 'chiefs to him, both by Sea and Land, that was in his 'Power, which they well knew, in Subversion of him 'and his Realm of *England*: That in former Parlia- 'ments this Matter had been propounded in Behalf of 'the King, and their Advice requested what was best 'to be done; and that it had been declared, after good 'Deliberation, they knew no other Way to advise the 'King, than to procure Allies to go against his Adver- 'sary by main Force, and to do this they had promised 'to aid him with Body and Goods. Whereupon the 'King made Alliances with several foreign Princes and 'Powers, and, by the Help of the good People of *Eng-* 'land, he made War upon him, because he could not 'bring him to a reasonable Peace. That the King and 'his Adversary had often assented to Truces; but his 'Enemy, during those Truces, imagining to deceive 'the King, broke them every Way, continuing his Ma- 'lice

The King's Title to the Crown of *France* asserted in this Parliament.

c In the Record, these Parliaments are divided into *Pars prima & secunda*, which might be for *Parliamentum primum & secundum* in the same Year.

K. *Edward* III. 'lice againſt him and his Friends. That now, after 'Philip's Deceaſe [f], John, his Son, continuing the 'ſame Wrongs his Father had maintained, poſſeſſed the 'Kingdom of *France*; and, contrary to the laſt Truce, 'confirmed and ſworn to by both, had broken it both 'in *Gaſcoigny* and *Britany*, and alſo upon the Sea; and 'had actually ſent to *Scotland* to renew the antient Al-'liance made between them, wholly tending to the Sub-'verſion and Deſtruction of his People of *England*. 'Wherefore the King much thank'd his Commons for 'the Aids they have already given him, and for the [277] 'Good-will he had always found in them, and prays 'them that they would take Time to conſult about this 'untill the next Day, and that, at Sun-Riſe in the 'Morning, they would come to the *Painted-Chamber* in '*Weſtminſter* to deliberate, and to hear if the King 'would ſay any Thing further to them; and to ſhew 'the King their Grievances, if they had any, that Re-'lief might be given them at this Meeting.' He concluded his Speech with charging the Commons, in the King's Name, to ſhorten their Stay in Town; and, for the quicker Diſpatch of Buſineſs, that they would immediately make Choice of 24 or 30 Perſons, out of their whole Number, to be, in the Morning, at the *Painted-Chamber*, and the King would ſend a Number of Lords to them to confer about the Buſineſs of the Nation.

After this Declaration from the Chief Juſtice, and another from Sir *Bartholomew Burgherſh*, the King's Chamberlain, to the ſame Purpoſe, the Commons choſe a Committee, as directed, who had ſeveral long Conferences with the Lords, as well to raiſe a neceſſary Aid for the King, as to draw up Petitions concerning the Rights of their Conſtituents. When all was ready, the Commons, in their whole Body, came before the King in full Parliament, and repreſented to him, 'That the 'common People of the Land were much impoveriſh'd 'by the late mortal Peſtilence, as well as by other Bur-'dens, Taxes, Tallages, and many other Payments laid 'upon them [a]; yet, notwithſtanding all theſe Damages, 'having a due Regard to the National Intereſt and De-'fence

A Supply granted againſt *France*, upon certain Conditions.

[f] This King of *France* died *Auguſt* 10, *Anno* 1350, and was ſucceeded by *John* Duke of *Normandy*, his Son.

[a] *Par autres Somers, Taxes, Tailages, et pluſures autre Chevances*, &c. Rot. Parl. 25 *Edward* III. *pars ſecunda*, N°. 9.

'fence againſt the Malice of their Enemies, they deli- K. *Edward* III.
'vered the King a Roll, containing both the Aid which
'they had unanimouſly granted him, and their Petitions
'concerning the Commons of *England*, to which they
'prayed the King to give good and ſpeedy Anſwers.'
The King granted their Requeſt, thanked them for the great Aids given before, and for this now granted; and for the Good-will and Kindneſs he had always found in his Commons, as well in this as in former Affairs.

Then follows the Grant of three Tenths and three Fifteenths to the King, by the Lords and the whole Commons of the Land, in order to ſupply his great Neceſſities. This Tax was to be raiſed as the laſt Tenths and Fifteenths were, within three Years, upon the Conditions following: [278]

'That all Fines, Profits, Amerciaments, and Impoſts,
'levied, or to be levied, upon Labourers, Artificers,
'Regrators, *&c.* who were for taking more Wages,
'were to be paid towards raiſing the Subſidy.' But this Statute, together with the Anſwer to it, is now obſolete.

'That hereafter no Tax, Tallage, Aids, or Charges
'be demanded or levied on the Commons; and that all
'the reaſonable Petitions, prayed by the Commons,
'may be granted, confirmed, and ſealed before the Diſ-
'ſolution of this Parliament.' To which the King's Anſwer was, 'That, as to the Tax and Tallage, it is
'not the Intention of the King, or the Lords, that they
'ſhould ever be charged without the Conſent of the
'Commons; and, as to granting their other reaſonable
'Petitions, the King is pleaſed it ſhould be done.'

The Commons pray alſo, 'That the Loans which
'were granted to the King by many of that Body, may
'be releaſed; and none compelled to make ſuch Loans
'for the future againſt his Will, for that it was againſt
'Reaſon and the Franchiſe of the Land; and that Re-
'ſtitution might be given to thoſe who had made the
'Loans.' The King's Anſwer was, 'That it ſhould
'be done.'

'Alſo, that whereas the King's Juſtices, aſſigned to
'ſeveral Counties, had judged many Men that were
'arraigned before them as Traitors, for divers Cauſes
'not known to the Commons to be Treaſon; therefore
'it was deſired that the King and his Council, and the
'Great

K. *Edward* III. ‘ Great and Wiſe-Men of the Land, would pleaſe to ‘ declare the Points of Treaſon.’ The Anſwer was, ‘ That a Statute was made in the laſt Parliament, ſet- ‘ ting forth and declaring what Crimes ſhall be Treaſon ‘ for the future.’ This we ſhall have often Occaſion to mention in the Sequel.

It will not be amiſs to add ſomewhat of a private Concern, which was tranſacted in this Parliament. The Lord *John Maltravers*, who was thought to be one of the Murderers of King *Edward* II. having ſome Years before come in and ſubmitted himſelf to the King's Mercy, and lately received his Pardon, now petitioned to have it confirmed in Parliament; which, in Conſideration of his late faithful Service to the King in *Flanders*, was granted accordingly, and he was again reſtored to his Honour and Eſtate, which had been long ſeized into the King's Hands [b].

[279]

In the ſucceeding Year, 1353, *An. Reg.* 27 *Edw.* III. the King called another Parliament to meet at *Weſtminſter* on the *Monday* next after the Feaſt of St. *Matthew* the Apoſtle, by Writs dated the 15th of *July* foregoing. This Meeting, in the Record, is only called a Great Council, *(in Magno Conſilio)* compoſed of about ſixty Lords, one Knight for each County, and one Member for each City or Borough; but yet we ſhall find them enacting Laws, equal to the Power of a full Parliament.

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It was not, however, 'till the 7th Day of *October* that this Parliament, or Council, ſat to do Buſineſs; when, being all aſſembled in the *White Hall*, or Chamber, of *Weſtminſter*, the Lord-Chamberlain, *Burgherſh*, delivered the King's Mind to them as follows:

Anno Regni 27. 1353. At *Weſtminſter*.

‘ That the King, conſidering how he might beſt eaſe ‘ his People, that had been often charged with Impoſi- ‘ tions and great Aids, by reaſon of the War with his ‘ Adverſary of *France*, who detained his Right of Heri- ‘ tage to that Crown from him, had ſent lately ſome ‘ of the moſt Noble Lords of his Realm, *viz.* the Arch- ‘ biſhop of *Canterbury* and the Duke of *Lancaſter*, with ‘ other

[b] See before, p. 207, 208, 224, 225.—The King's Charter of Pardon for this Man is entered at Length on the Rolls. It is in *Latin*, and is very full and particular, and is dated at *Weſtminſter*, *Feb.* 8, *An. Reg.* 26; which ſhews that this Parliament ſat both in the 25th and 26th Years of his Reign.

'other Prelates and Noblemen, to *Guiſnes*, to treat with K. *Edward* III.
'his Adverſary in Preſence of a Cardinal, whom the
'Pope had ſent thither as a Mediator; and that, after
'the Treaty, he had ſent his Confeſſor to the Pope, to
'acquaint him that, conſidering the many People that
'had been killed in this War, and deſiring to ſpend the
'reſt of his Time in another more holy one, to the Ho-
'nour of God, if his Adverſary would make Reſtitution
'of the Duchy of *Guyenne* to him, as entirely as any of
'his Anceſtors had enjoyed it, to hold it freely without
'any Homage or Service, he was willing, when the War
'was ended, to reſign his Title to the Crown of *France*.
'That the Pope had moreover been deſired to ſound his [281]
'*French* Adverſary's Inclination to a farther Treaty; yet,
'with Proteſtation, That, if he ſhould not accept it, all
'his Rights ſhould be entirely ſaved to him, as if no
'ſuch Offer had been made. To which Meſſage the
'King not having received any Anſwer from the Pope,
'he had ſent another by the Archdeacon of *Huntingdon*,
'*William de Witleſey*, to know what had been done in
'this Affair, who brought back nothing worth report-
'ing; wherefore it ſeemed neceſſary to the King and
'the Lords of his Council, that he ſhould prepare him-
'ſelf for the War againſt his Adverſary, as well for the
'Defence of *England* as to recover his Rights, for which
'he ought to have a great Sum of Money granted to
'him.'

The ſaid Chamberlain ſhewed further, 'That the
'late Tax, or Subſidy, on Wooll, Leather, and Woolf-
'fels, ending at *Michaelmas* laſt, it was not the King's
'Intentions to lay any new Tax or other Charge upon
'his People, yet he requeſted the Parliament to grant
'him the ſaid Subſidy for ſome Time longer.'

This Requeſt being conſidered by the Three Eſtates, and deliberated upon, they all unanimouſly agreed to grant the King this Subſidy of Wooll, *&c.* to receive it, as before, from *Michaelmas* laſt for three Years to come, if the War ſhould continue ſo long; upon Condition that the Money, ariſing from this Subſidy, ſhould be kept ſolely for the War, and not applied to any other Uſe. A farther Grant for the ſame Purpoſe.

There were likewiſe ſeveral excellent Laws made in this Council, or Parliament, as, particularly, that of the Staple;

K. *Edward* III. Staple[c]; whereby it was enacted, That the great Markets for Wooll, Wooll-fels, Leather, and Lead ſhould be held in *London*, *Weſtminſter*, *York*, *Briſtol*, and divers other Cities and Towns therein mentioned; with ſeveral Rules and Reſtrictions for well regulating the ſame. This Act, or rather Ordinance, was made, as was declared by the Chief Juſtice *Shareſhall*, becauſe the Staple of Wooll, the ſovereign Merchandize and greateſt Jewel in the Kingdom of *England*[d], had heretofore been held in Parts beyond Sea, to the enriching of Foreigners and Strangers: Therefore, *&c.* as is before recited. The Ordinance is in the King's Name only, and conſiſts of near forty ſeparate Articles; but in the laſt it was ordered to be proclaimed and publiſhed in every County in *England*; and alſo, for greater Force, that it ſhould be rehearſed and inrolled in the Proceedings of the next Parliament.

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Anno Regni 28. 1354. At *Weſtminſter*.

The Year 1353 being ended, the King, on the 15th of *March*, in the next Year, ſent out his Writs of Summons to call a real Parliament to meet at *Weſtminſter*, *April* the 28th following. Being accordingly aſſembled, the aforeſaid Lord Chief Juſtice declared, in the Preſence of the King, Lords, and Commons, in the *Painted-Chamber*, 'That the Cauſe of this Parliament's be-'ing called, was for three Things: *Firſt*, For eſtabliſh-'ing the Staple within the Realm, and for Confirmation 'of the Ordinances made in the laſt Great Council 'about it. *Secondly*, How they might treat of a Peace 'with *France*; for that by War the King ſaw his Sub-'jects greatly waſted. And, *Thirdly*, For receiving of 'Petitions and redreſſing of Grievances; all which with-'out a Parliament could not be effectually done.'

A

[c] *Staple* ſignifies this or that Town whither the *Engliſh* Merchants were obliged, by Act of Parliament, to carry their Wooll, Cloth, Lead, and Tin, and ſuch-like Staple Commodities, in order to ſell them by the Great. For the Etymology of this Word, ſee further in *Blount*'s, *Cowell*'s, and *Jacob*'s *Law Dictionaries*.

It ſeems the King was diſpleaſed with the *Flemmings* for diſappointing him in the Match between his Daughter and their young Earl *Lewis*, and removed the Staple of Woolls from their Towns, which were greatly enriched thereby, and cauſed it to be kept at home, judging it more convenient to enrich his own Towns than Strangers, by the Commodities of his Kingdom. *Daniel* in *Kennet*, p. 224.

[d] *Que ſont la ſoverayne Marchandiſe et Jewel de ſon Roialme* d'Angleterre, Rot. Parl. 28 *Edw.* III.

A Day or two after the Lord-Chamberlain informed them, 'That there were great Hopes of bringing 'about a Peace between *England* and *France*, by Means 'of certain Commiſſioners appointed, on both Parts, for 'that Purpoſe; yet the King would not conclude any 'Thing without the Conſent of his Lords and Commons; 'wherefore he demanded of them, in the King's Name, 'Whether they would aſſent and agree to a Peace, if it 'might be had by Treaty?' To which the Commons anſwered, with one Accord, 'That what ſhould be 'agreeable to the King and his Council in making of 'this Treaty, would be ſo to them.' But the Commons being aſked again, 'If they conſented to a perpetual 'Peace, if it might be had?' They all unanimouſly cried out, *Oil*, *oil*, Yea, yea. Upon which Dr. *Michael Northburg*, Keeper of the Privy Seal, commanded Dr. *John de Swineley*, the Pope's Notary, to enter this in a public Inſtrument, which was to be laid before the Pope at *Avignon*.

K. *Edward* III.

The King demands the Opinion of his Parliament concerning a Peace with *France*.

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Mr. *Tyrrel* obſerves here that Parliamentary Proceedings were not then reduced to that Form and Regularity which they have been brought to ſince that Time; the Commons here giving their Opinions, *viva Voce*, and in the Preſence of the Lords, to what the King demanded of them. He adds, That, for Redreſs of Grievances, he can find none, but what had been done in the preceding Parliament.

In this Parliament it was that the Lord *Roger Mortimer*, Grandſon to the famous *Roger Mortimer*, who was attainted and executed three-and-twenty Years before, was reſtored to Blood, and the Judgment againſt his ſaid Grandfather reverſed, as being contrary to Law [g]. The like Favour alſo *Richard Fitz-Alan*, Son to *Edmund* Earl of *Arundele*, who had been attainted in the Beginning of this Reign, obtained on Behalf of himſelf and his ſaid Father. Which Examples, ſays *Tyrrel*, may ſerve to ſhew us, that it is the Duty of ſucceeding Parliaments to correct and reverſe whatſoever hath been unjuſtly and too ſeverely enacted by thoſe that preceded. But as theſe, and ſome others before mentioned, were all attainted for the miſguiding and even murdering of his Father, it muſt ſeem ſtrange in this King to pardon, or reſtore, any of them.

Attainder of Lord *Mortimer* and others reverſed.

Tho'

g See before, p. 206, 222.

K. *Edward* III. Tho' neither the laſt-named Author nor Dr. *Brady* give us any Petitions from the Commons for Redreſs of Grievances this Parliament, yet *Joſhua Barnes* is not ſo ſilent in the Matter, and, from the Records themſelves, has given a great many Petitions, which the Reader may take as follow:

The Commons' Petitions, with the King's Anſwers thereto, were theſe:

Petitions of the Commons. *Commons.* 'That the Juſtices of the Peace be of the 'beſt of every County; and that upon the diſplacing 'any of them, others be put in at the Nomination of 'the Knights of the ſaid County; that they ſit, at leaſt, 'four Times every Year, and that none be diſplaced 'but by the King's ſpecial Command, or the Teſtimony 'of his Fellows[h].

King. *This firſt Petition is reaſonable, and the King will ſee that it be done.*

[284] *Commons.* 'That the Surpluſage of the Fines of the 'Statute of Labourers may be intirely diſtributed among 'the Poor of the whole County, and not to poor Towns 'only.

King. *It ſhall be parted among the poor Towns only.*

Commons. 'That the Writ of Eſtreat may lie in every 'Action where the Party ſhall recover Damages of 'Eſtreats after the Writ purchaſed.

King. *The old Law ſhall be continued.*

Commons. 'That Remedy may be had in ſuch Caſes 'where the King receiveth the Profits of the Ward's 'Lands, as well of Soccage as otherwiſe, where no Part 'of the ſame is holden of him.

King. *The Law heretofore uſed ſhall continue.*

Commons. 'That it may be ordered whether the Te-'nants of ſuch as hold by Barony, and are ſummoned 'to Parliament, ſhall contribute to the Payment of 'Knights' Fees coming to Parliament.

King. *As heretofore, ſo the ſame ſhall be.*

Commons. 'That preſent Pay be made of all Purvey-'ances, being under 20*s.* and of greater within one 'Quarter of a Year, and that Purveyance be made 'without Malice.

King. *It is good to make Payment according to the firſt Point, and to redreſs the ſecond.* Com-

[h] This Petition and Anſwer is not in *Barnes*, but is on the Rolls.

Commons. 'That all Sheriffs be charged to make pre- K. *Edward* III.
'sent Payment for all Purveyances for *Calais*.

King. *The Demand is reasonable.*

Commons. 'That any one attainted upon a Writ of
'*Oyer* and *Terminer* may bring his Attaint, pending his
'Suit against the other.

King. *The Lords will not alter the Order of the Law.*

Commons. 'That the Lords of the Marches of *Wales*
'do suffer no Distresses to be made on any *Englishmen*
'coming into *Wales*, for any other Men's Debts, if he
'be no Debtor, Trespasser, or Surety.

King. *As heretofore, so the Law shall be.*

Commons. 'That no Inquest upon Conspiracy, Con- [285]
'federacy, Maintenance, or such-like, be returned, but
'by the Sheriff, of the most lawful Men, and nighest in
'that Part of the Country where such Acts are laid;
'that all Evidences therein be given openly at the Bar,
'and that no Man speak with the Jury after they depart
'therefrom.

King. *This last Petition is agreed to.*

Commons. 'That the King will appoint a Time when
'the Coin shall be made finer [h].

King. *With Opportunity the King meaneth the same.*

Commons. 'That the King have the Forfeitures of
'Widows Dowagers; but not of such as hold jointly
'with their Husbands.

King. *The old Law shall stand.*

Commons. 'That the Writ of Appeal brought, pending
'another, may abate the other.

King. *The Common Law therein used shall continue.*

Com-

h Now, for the better understanding of this Petition, it is to be noted, that, about four Years before this, *William Edindon*, Bishop of *Winchester*, the Lord-Treasurer of *England*, had caused Groats and Half-Groats to be coined, to the People's great Disadvantage; for they wanted something of the just Sterling Weight. This occasioned the Price of all Things to be very much enhanced; whereupon, at the Commons' Complaint now in Parliament, the King promised to redress their Grievance the first Opportunity. Yet however, many Times after those Days, the like Practice had been used, insomuch that now Five Shillings scarcely contain so much Silver as five Groats had three or four Hundred Years ago; so that it is no Wonder, if Things be sold at treble the Price which they held at that Time. For hereby also it comes to pass, that the Prince and Nobility cannot possibly maintain their Estates with their antient Rents and Revenues, because, tho' they bring them in the old Tale and Number, yet they fall far short in the due Weight and Quantity of Metal. *Barnes*'s *Edward* III.

See *Holling shead*'s *Eng. Chron.* p. 948. Also *Godwin*'s *Catalogue of Bishops*, p. 234.

K. *Edward* III. *Commons.* 'That Weights and Measures may hence-'forth be made in the City of *London*, so as all Counties 'do conform themselves according thereto.

King. *There is a Standard in the Treasury, where every Man readily may have the same.*

Commons. 'That the Writs of Chancery may be at 'reasonable Prices; and that the Clerks of the Crown, 'and others for Commission and such-like, do content
[286] 'themselves with the King's Allowance.

King. *As heretofore the same shall be.*

Commons. 'That Fines for Writs may be reasonably 'made in every of the King's Courts.

King. *The Chancellor shall do as heretofore.*

Commons. 'The Commons beyond the *Trent* require 'that the Justices of the one Bench or of the other, may 'yearly come twice amongst them, for taking Cogni-'zance of Fines and Letters of Attorney of the Unable.

King. *The King will be advised.*

Commons. 'That Labourers may take Corn for their 'Wages.

King. *The Statute made shall be observed.*

Commons. 'That the Staple may always continue in '*England.*

King. *The same shall so continue till the next Parliament, not to be alter'd without the Assent of the Parliament.*

Commons. 'The Merchants Strangers require, that 'the Ordinances of the Staple may be executed speedily.

King. *The King willeth the same.*

The *French* break the Truce, As it has been ever found that neither Peace nor Truce can be had from the *French* which they will not break at their first Conveniency; so now, the Treaty of Peace being ended ineffectually between the two Crowns, Prince *Edward* was sent over again with a powerful Army, the next Spring, who took many Towns, and burnt and ravaged the Country in a terrible Manner. In Summer the King went in Person, and he was
[287] carrying on his Conquests very fast, when a Diversion was made in *Scotland*, a Party of *Scots* having, by Sur-
And the *Scots* revolt. prize, taken the important Town of *Berwick*, and made some Inroads into *England*.

Before the King went over into *France*, he sent out his Writs of Summons for a Parliament to meet on the 12th

12th of *November* following; about which Time *Edward*, being at *Calais*, heard of the Loſs of *Berwick*, and prepared himſelf not only to meet his Parliament, but to recover that Town: However, it was not till the 25th of that Month that he could get to *Weſtminſter*, to which Time the Parliament had been put off, by ſeveral Adjournments. Being at length all aſſembled, the Lord Chief Juſtice *Shareſhall* told them, That it was his Majeſty's Pleaſure that Sir *Walter Manny* ſhould declare to them the preſent State of the King's Affairs, being beſt able to do it; and he accordingly deliver'd himſelf to this Effect[a].

K. *Edward* III. Anno Regni 29. 1355. At *Weſtminſter*.

'He firſt gave them an Account of the late Treaty 'before the Pope, and how it had been broke off by 'the Obſtinacy of the *French* Commiſſioners: That, 'in order to conclude a Peace, he had ſent the Duke 'of *Lancaſter*, with others, to the Pope's Court at '*Avignon*; and that, during his Stay there, the King of '*Navarre* had complained to the ſaid Duke of ſundry 'Damages done to him by the *French*, and affirmed, 'upon Oath, that he would willingly enter into a League 'with the *Engliſh* againſt them; and, for Aſſurance of 'the ſame, engaged himſelf to meet his Majeſty at the 'Iſland of *Jerſey* with as great Power as he could raiſe: 'That the King, upon the Return of the ſaid Duke, 'and Knowledge of the Affair, with a great Army and 'Navy, ſet Sail from the River *Thames* towards *Jerſey*; 'but, being beat back by contrary Winds, he was driven, 'with much Hazard, into *Portſmouth*, where he ſtaid till 'he was credibly informed that the ſaid King of *Navarre* 'had actually made his Peace with the Enemy of *France*. 'Upon hearing alſo that the *French* was marching a 'ſtrong Army towards *Calais*, the King went over 'thither, in Hopes they would give him Battle, accom-'panied with his own Army, and joined there by the 'Forces of his *German* Allies: That, on *All-Souls'* Day 'laſt paſt, the King marched towards the Enemy and [288] 'offered them Battle, which the Enemy took all Ways 'poſſible to avoid, whereupon the King waſted and 'ſpoiled the Country; but finding his Army to languiſh 'for want of Proviſions, was obliged to return back to '*Calais*, where he paid off his mercenary Troops, and 'came hither to meet his Parliament.'

The Cauſe of the Summons declared.

[a] He is called, in the Record, Monſ. *Wauter de Manny*.

K. *Edward* III. After this Speech was ended, the Lord Chief Juſtice addreſſed himſelf to the Commons to this Purpoſe: 'He 'required them to weigh and conſider well the King's 'unwearied Conſtancy in labouring for their Defence; 'that he was now ready, alſo, to repell the Inſolence of 'the *Scots*, who had ſurprized, in his Abſence, the Town 'of *Berwick*, as he had been inform'd: He deſired them 'therefore to conſider how he might be enabled not only 'to ſubdue entirely that ſtubborn People, but alſo how to 'attain an advantageous Peace with *France*; which he 'much wiſh'd for, to his own Honour and their Quiet and 'Benefit.' He concluded with giving them Time till *Friday* following to bring in their Anſwer, and, in the mean while, to prepare their Bills and Petitions to be laid before the King in Parliament.

Whereupon the Parliament grant another Supply,

On the Day appointed the Commons came into the *White Chamber*, at *Weſtminſter*; and, having had a ſhort Conference with the Lords, in the King's Preſence, they unanimouſly granted the King the Subſidy on Leather, Wooll, and Wooll-fells, for ſix Years to come; provided that no other Impoſition or Charge be laid upon them during that Term. This Tax was no leſs than 50*s.* on each Sack of Wooll that ſhould be exported; by which ſole Grant, ſays an Author, the King was able to expend 1000 Marks a-day, on a juſt Calculation, there being no leſs than 100,000 Sacks yearly exported by the *Engliſh* Merchants in thoſe Days [1].

Petitions of the Commons, with their Anſwers.

And the Commons preſent ſeveral Petitions.

Petition. 'That the Great Charter, and the Charter 'of the Foreſt, in all Points, ſhall be kept: That the 'Statute, that the Staples ſhall always be within the 'Realm, ſhall be obſerved: That the Statute made for 'yearly removing Sheriffs be obſerved: And that the 'Statute made for Purveyors be kept.

Anſwer. *The King willeth the ſame.*

Petition. 'That whereas the Commons have granted 'to the King 40*s.* of every Knight's Fee in Aid to make 'his Son a Knight, the Exchequer demandeth the ſame, 'as well of Meſne Lords, as of the Tenants in Demeſne, 'againſt Reaſon; wherefore they pray Remedy.

Anſwer. *The right Uſe of the Exchequer is to be kept.*

Petition.

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[1] *Holling ſhead's Chron.* p. 383.——*Stowe* ſays the ſaid Grant extended only to 150,000 *l. Sterling*, p. 255.

Petition. 'That no Man's Land, being bought in the K. *Edward* III.
'Time of *Henry* III. which was before the Statute of
'Prerogative, may be seized into the King's Hands by
'Escheators [d].

Answer. *Let this be more particularly declared to the King.*

Petition. 'That the Justices of the Peace may deter-
'mine Weights and Measures.

Answer. *The Statute made shall be observed. Such Justices shall make no Deputies; neither shall the Sheriff, Coroner, or such-like, be a Justice.*

Petition. 'That the Points of Confederacy may be
'declared, considering how the Judges judge rashly
'thereof.

Answer. *None shall be punished for Confederacy, but where the Statute speaketh expresly upon the Point contained in the same Statute.*

Petition. 'That the Justices of Goal-Delivery, on
'an Indictment of the Coroner coming before them,
'may award the Exigent.

Answer. *The old Law shall stand.*

Petition. 'That such Persons of the far North
'Countries, as upon Appeals join Issue on Good or Evil,
'may try the same by *Nisi Prius*; considering that the
'Jury will not appear in the King's Bench.

Answer. *The old Law used shall be kept.*

Petition. 'That Remedy may be had against such as,
'to defraud their Creditors before Judgment, do convey
'away their Lands and Goods.

Answer. *The Statute therefore made shall be observed.*

Petition. 'That Writs of Attaints may be had of [290]
'Verdicts given in other Courts.

Answer. *The old Law shall be observed.*

Edward being thus enabled by this last great Aid to pursue his Enterprizes, and the Parliament having dispatched the King's Business and their own, and all in the Space of four or five Days, they broke up, and the King marched immediately for *Scotland*, where he soon retook *Berwick*, and performed several other martial Exploits in that Kingdom, not to our Purpose to relate.

[d] See before, p. 247, *et sequent.*

K. Edward III. There is ſome Mention of a Parliament's being called to ſit at *Weſtminſter* in our Statute-Books, 31 *Edw.* III. *Anno* 1357, though the Records are altogether ſilent about it; wherein, for the King's Pardon to the Commons, for the Eſcapes of Felons, *&c.* a Fifteenth was granted. Here are alſo ſeveral Statutes and Ordinances relating to the Herring and other Fiſheries [e].

We have alſo met with a very ſtrange Call of a Parliament by this King's Writs, in the 34th of his Reign, *Anno* 1359, and during the hotteſt Part of his *French* Wars, to meet and ſit to do Buſineſs at different Cities and Towns in the Kingdom, and near at the ſame Time. The Occaſion of ſummoning theſe different Meetings, which is a Circumſtance very rare, if not a ſingle Inſtance, ſeems, by the Tenor of the Writs, to be for getting Money to pay the Militia then raiſing, in order to repell an Invaſion then threatened from *France*. And becauſe the whole Body of the Commonalty could not ſo ſpeedily be drawn together to one Place as the Occaſion required, therefore Meetings of the Knights, Citizens, and Burgeſſes were appointed at *Weſtminſter*, *Worceſter*, *Lincoln*, *Taunton*, *Leiceſter*, *&c.* and the Sheriffs were directed to return them accordingly [f]. There is not a Word of this ſtrange Call entered on the Rolls of Parliament; nor can we learn what Monies were raiſed, or what other Buſineſs was done at theſe Meetings; yet that there were ſuch, is indubitable from the Authorities below recited.

Next follow what is call'd, in the Manuſcript we quote from, *Commiſſio Delegatorum Præſidentium apud* Wygorn. to the Commiſſioners that were to preſide at this Meeting.

Rex dilectis et fidelis ſuis —— Epiſcopo *Wygorn.* —— Abbate de *Eveſham*, *Ricardo* Com. *Arundele*, *Willielmo* de *Shareſhall*, Salutem.

CUM nuper, tam ante Paſſagium noſtrum ad Partes Francie *quam poſt audito quod Inimici noſtri in diverſis Partibus ad invadendum hoſtiliter Regnum noſtrum, in Ab-*

[e] See *Hawkins*'s Edition of the *Statutes at large*, p. 273, *&c.*

[f] *Pro eo quod tota Communitas Regni in uno Loco, in brevi Tempore, convenire non poteſt, Milites, Cives, et Burgenſes ſummoniti fuerunt ad* Weſtmonaſterium, Wygorniam, Taunton, *&c.*

Abſentia noſtra, tam per Terram quam per Mare, ſe parurunt, pro Periculis, quæ ex hoc nobis et dicto Regno noſtro evenire poſſint, evitandum, per nos et Concilium noſtrum ordinatum fuiſſet quod certa Arraicio Hominum ad Arma et Sagittarum, per certos Fideles noſtros ad hoc deputatos in ſingulis Comitatibus ejuſdem Regni fiat; ita quod dicti Homines ad Arma et Sagittarum, bene arraiati et muniti, prompti ſint et parati ad proficiſſendum in Obſequium noſtrum pro Salvatione et Defenſione dicti Regni, contra dictos Hoſtes noſtros, ſi idem Regnum noſtrum invadere preſumerint. K. *Edward* III.

Et quod tota Communitas ejuſdem Regni, &c. ut antea. Teſte Rege apud *Weſtmonaſterium* 10 Die *Feb.*

To appear at *Worceſter* on the *Wedneſday* next before St. *Cuthbert*; at *Weſtminſter*, on the *Monday* before St. *Gregory*, *&c.* At the ſame Time Writs were directed to the Sheriffs of different Counties neareſt their Places of Meeting[g].

About this Time our general Hiſtories are ſufficiently taken up with the Recital of the Victories obtained by the *Black Prince* over the *French*; eſpecially that of the Battle of *Poictiers*, where the whole *French* Army was entirely defeated, and their King *(John)* taken Priſoner by this martial Hero. The *Engliſh* Court was now in its greateſt Splendour, having two Kings Priſoners at the ſame Time. *David* King of *Scotland* had been vanquiſh'd and taken Priſoner by a Woman; Queen *Philippa*, in her Huſband's Abſence, having performed that Exploit at the Battle of *Durham*, and ſhewed herſelf worthy to be the Wife and Mother of ſuch a Huſband and ſuch a Son.

The Kings of *France* and *Scotland* both taken Priſoners.

In the Year 1360 King *Edward* kept his *Chriſtmas* at *Woodſtock* in great Splendour; and on the 25th of *January*, the next Year, he met a regular Parliament at *Weſtminſter*, which had been ſummoned to appear there about two Months before. Here the Articles of Peace, concluded between *John* King of *France* and the King of *England*, were communicated to the whole Aſſembly, and

Anno Regni 35. 1361.

At *Weſtminſter.*

A Peace with *France.*

[g] *Pat.* 34 Edward III. *p.* 1. *m.* 30. *dorſo.*—But this was tranſcribed from a Manuſcript Volume of Mr. *Rymer*'s collecting: There are 59 of them, of which ſee a Catalogue in the *Fœdera Anglicana*, Tom. XVII. They are now all repoſited in the *Britiſh Muſæum*, Vol. IX. N°. 1, 2, 3.

K. *Edward* III. and both Lords and Commons were highly satisfied with the King's Conduct in the Affair. These Articles, 40 [291] in Number, are to be found in *Brady*, *Tyrrel.* and other Historians, but are not any Thing to our Purpose: By these Means, however, the *French* King was released from an Imprisonment of four Years, and was honourably sent back to his own Country [g].

The Manner of Swearing to the Observance thereof.

The Ceremony of the Swearing to keep this Peace, by the King, Lords, and Commons, being somewhat singular, deserves our Notice. On the last Day of *January*, the Archbishop of *Canterbury* celebrated the Mass of the *Holy Trinity*, in the Abbey Church at *Westminster*, with great Solemnity; the King, Prince, and the whole Body being present at it. In this Mass, says *Barnes*, there was this small but comprehensive Text of Scripture, *Brethren rejoice, be perfect, be of good Comfort, be of one Mind; live in Peace, and the God of Love and Peace shall be with you*, &c. After which, the King and his Sons standing up before the *French* Hostages, Torches being lighted, and Crosses held over the Eucharist and Missal the Peers took the Oath, which they read from certain Papers or Scrolls, held in their Hands, and signed by themselves; the Archbishop beginning in this Manner, *We* Simon, *Archbishop of* Canterbury, *do swear upon the Holy Body of our Lord and his Holy Gospel, firmly, as much as in us lies, to keep the Peace and Concord agreed on betwixt the two Kings, and to do nothing contrary thereto.* This being done, every Man, as he took the Oath, delivered up his Scroll to the King's Notaries, to be laid up as Witnesses to Posterity. The *French* King caused his Estates and Lords of Parliament to swear to the Peace in like Manner; then both Kings sent their Ambassadors to the Pope for the Apostolical Sanction to it; and thus, at last, this long, expensive, and bloody War, was terminated by a Peace, as fully established, says *Barnes*, as strongly bound on Earth, as human Wisdom, or Authority, could devise or secure.

The

g In this Parliament the King restored the Possessions of the Alien Monasteries to them again, which he had taken into his Hands at the Beginning of the *French* War, above 20 Years before. A rare Example, says an Historian, of Justice in this King, it being seldom known that a Prince will part with any Thing he hath once gotten. *Sam. Daniel* in *Kennet*, p. 228.

It seems this Parliament was only called to ratify this Peace, for it is not entered on the Rolls.

The Nation beginning now to enjoy the Fruits of Peace, the King called another Parliament, to meet at *Weſtminſter* on the 13th of *October* the next Year; where all the Peers were expreſly commanded to appear in Perſon, and not one Proxy permitted. This Seſſion laſted a full Month [g]; in which Time, ſays *Barnes*, he made more good Laws, and beſtowed more Acts of Grace upon his People, than ſome other Kings have done in their whole Lives.

Anno Regni 36. 1362.

At *Weſtminſter*.

The Cauſes of this Aſſembly were declared, by the Lord Chief Juſtice, then Sir *Henry Green*, to be, 'For 'the Redreſs of Matters relating to the Church; for 'Obſervation of the Peace; for ſettling Affairs with '*Scotland*; and for enhanſing the Price of Wooll.' All which were then very well ordered, as may be ſeen in the Records and printed Statutes of this Year. The Staple of Woolls was appointed, tho' not by expreſs Statute, yet with the Conſent of both Houſes, to be removed from *London* to *Calais*. For we find, by the Records, that when the Lords were commanded to ſpeak, 'What 'they thought of the Merchants removing to *Calais*?' They all agreed, 'That it ſeemed to them to be a Mat-'ter very profitable to the Realm.' The Commons, indeed, demurred a little at the firſt, till they could talk with ſome Merchants about it; but, at laſt, they complied with the Lords alſo. Whereupon the King ſent over twenty-ſix of the ableſt and moſt conſiderable Merchants in the Kingdom, to hold the Staple there for three Years. Theſe Merchants were alſo ordered to keep and defend the Town, every Man having a Guard of ſix Men at Arms and four Archers at the King's Charge. Beſides the Mayor of the Town, the King, by his Charter, conſtituted another, called the Mayor of the Staple of *Calais*; the King being to receive 20*s*. and the aforeſaid Merchants, Wardens of the Town, 40*d*. more, as Cuſtom, on every Sack of Wooll there bought.

The Staple removed to *Calais*.

The Petitions of the Commons in this Parliament begin with ſuch a remarkable Preamble, that we can't avoid giving our Readers a Tranſlation of it from the Record itſelf, to ſhew the Humility of that Body in thoſe Days.

'To

[g] This is almoſt the firſt Time that we could aſcertain the Length of a Seſſion of Parliament in thoſe Days.

K. *Edward* III. 'To our Thrice-renown'd and Thrice-gracious Lord 'the King, his poor and ſimple Commons [e] beſeech him 'that he would pleaſe, out of his great Grace and 'Kindneſs, to have Regard to all the Grants, Charges, 'and Damages, which his ſaid Commons have ſuffered 'in his Time, in order to pleaſe and ſatisfy his High-'neſs; and alſo the ſeveral Miſchiefs that have befallen 'the ſaid Commons, by divers Plagues of Winds, Wa-'ters, and Mortality of Men and Beaſts, and to grant, 'in Relief of the poor Eſtate of the ſaid Commons, the 'Petitions following:

Firſt, 'That the Great Charter, Charter of the Fo-'reſt, *&c.* ſhould be confirmed;' with thirty-four other Petitions, too long to give by any but a particular Writer of this King's Reign.

Pleadings at Law ordered to be no longer in *French*, but in *Engliſh*.

In this Parliament was paſſed that remarkable Statute, 'That all Pleadings and Judgments in the Courts of '*Weſtminſter* ſhould be, for the future, in *Engliſh*, but 'entered and inrolled in *Latin*,' whereas, before, they were wont to be in the *French* Language, ever ſince the Time of the Conqueror. It was alſo ordain'd, That all School-Maſters ſhould teach their Scholars to conſtrue in *Engliſh*, and not in *French*, as they had hitherto uſed [f]. Here alſo it was enacted, That neither Gold nor Silver ſhould be uſed in Apparel, Knives, Girdles, Chains, Rings, or other bodily Ornaments, by any Man who could not ſpend 10*l.* a-year; and that none, who could not ſpend 100*l.* a-year, ſhould preſume to wear Silks, Furs, or other precious Garments [g].

[293]

On

[e] *Poure et ſimple Commune*, &c.

[f] *Holling ſhead*'s *Chron* from *Caxton*, p. 396. This was made on a Petition of the Commons, That the Subject might underſtand the Law, *by which he holds what he hath, and is to underſtand what he doth.* Daniel *in* Kennet, p. 229.

But, adds that Author, though this is an excellent Act, and worthy ſo great a Prince, yet he had deſerved greater Honour if he could have freed the Law from thoſe Difficulties and Myſteries which render it a greater Affliction to the People than a Remedy.

[g] Moreover it was enacted, That no Huſbandmen or Labourers ſhould uſe any coſtly or dainty Diſhes at their Tables, and eat but one Meal a-day. But theſe Sumptuary Laws had little or no Effect. *Holling ſhead*, p. 396.

This Statute affected the Clergy in their Habits, as well as others. *Collier*'s *Hiſt.* p. 559, from *Adam Myrimuth.*

And as provident was this King for ordering and ſecuring of his own Treaſure, committing the Cuſtody of it to Conſcience and Religion: For, by a Certificate ſent to Pope *Urban*, *Anno Regn.* 30, concerning Pluralities, and

K. *Edward* III.

On the last Day of the Parliament's sitting, the Petitions of the Commons being granted, they unanimously gave the King 26 *s.* 8 *d.* on every Sack of Woolls, for three Years, besides the former Subsidy on Woollfells and Skins. And now, Business of that Kind being concluded, the aforesaid Sir *Henry Green* declared to both Houses, 'That the King, being then arrived at the '50th Year of his Age, intended to keep it as a Jubilee, and to pass several Acts of Grace and Mercy to 'to his People; he therefore granted a general and special A General Act 'Pardon for all Crimes, Treason itself not excepted, of Pardon pass'd, 'without any Fine, or paying of Fees for the Seal; and 'set all Debtors to the Crown, and Prisoners for criminal Matters, at Liberty.' The King also confirmed [294] *Magna Charta*; which was confirmed no less than ten And *Magna* several Times in this Reign. Then the said Lord Chief *Charta* re-con- Justice declared, that the King created his second Son, firm'd. *Lionel*, Duke of *Clarence*; which Title he took in Right of his Wife, who was descended from the Earls of *Clare*, a Town and Castle of *Suffolk*. Also, the King created his Son, *John*, Duke of *Lancaster*, in Right of his Wife, who was Daughter and Heiress to the last Duke *Henry*; and *Edmund*, his fifth Son, Earl of *Cambridge*. Then, having passed several Statutes, very beneficial to the Nation, particularly one for a Confirmation of an Act[i] made

and the Estates of the Churchmen, in *England*, there were more Clergymen in Office about the King, than about any Prince in Christendom besides: For, first, *Simon Langham*, Archbishop of *Canterbury*, was Chancellor of *England*; *William Wickham*, Archdeacon of *Lincoln*, Keeper of the Privy Seal; *David Weller*, Parson of *Sommersham*, Master of the Rolls; ten Beneficed Priests, Civilians, Masters in Chancery; *William Mulse*, Dean of *St. Martin le Grand*, Chief Chamberlain of the Exchequer, Receiver and Keeper of the King's Treasure and Jewels; *William Ashby*, Archdeacon of *Northampton*, Chancellor of the Exchequer; *William Dighton*, Prebendary of *St. Martin's*, Clerk of the Privy Seal; *Richard Chesterfield*, Prebendary of *St. Stephen's*, Parson of *Oundle*, Master of the King's Wardrobe; *John Newenham*, Parson of *Fenny-Stanton*, one of the Chamberlains of the Exchequer, and Keeper of the Treasury and Jewels; *John Rowsby*, Parson of *Harwich*, Surveyor and Comptroller of the King's Works; *Thomas Brittingham*, Parson of *Asshby*, Treasurer to the King for the Parts of *Guisnes* and Marches of *Calais*; and *John Troys*, Treasurer of *Ireland*, a Priest, and beneficed there. *These Men, who were destitute of* Feminine Allurements *to Expence and Pomp, and devoted to* pious Thriftiness, *were thought the fittest to be trusted with his Riches by this wise King.* Daniel *in* Kennet, *or rather Bishop* Kennet *on* Daniel.

If this last Statute mentioned in the Text and that in the foregoing Note were passed this Parliament, they are not entered on the Rolls.

i This Act is entered on the Rolls. See also *Statutes at large*, 36 *Edward* III. cap. x.

K. *Edward* III. made in the fourth Year of this King, for holding of annual Parliaments, or oftner if Occaſion required; and alſo performed thoſe Acts of Grace, already mentioned, the King diſſolved this Parliament, and ſpent the reſt of the Year in all Kinds of Merriments and Diverſions [k].

The next Year the King iſſued out his Writs of Summons, dated *June* 10, for a Parliament to meet at
Anno Regni 37. 1363. *Weſtminſter*, on the 6th Day of *October* following: when there not being a full Appearance of Members, the
At *Weſtminſter*. Houſes were adjourned to *Friday* following: At which Time *Simon Langham*, Biſhop of *Ely*, and Chancellor of *England*, declared before the Lords the King's Reaſons for calling this Parliament in the *Engliſh* Tongue [l], according to the Record. He ſaid, 'That the King was
[295] 'deſirous to know the Grievances of his Subjects; and 'particularly, that he might, by their Advice, redreſs any 'Wrongs that had been done to Holy Church; alſo, to 'reform all Enormities, eſpecially about the Manner of 'exhibiting Petitions in Parliament.' Then the Commons gave the King their moſt humble Thanks for the great Goodneſs he had ſhew'd and confirmed unto them the laſt Parliament; and humbly prayed 'That the King 'would enjoin the Archbiſhops, and all other of the Cler-'gy, that they would put up their joint Prayers to Al-'mighty God for the Proſperity of his Majeſty, in order 'to the Peace and good Government of the Land, and 'for the Continuance of his Majeſty's good Affections 'towards his Commons.' As for their Petitions to the King, and his Anſwers to them, they may be ſeen in *Prynne*'s Abridgment, and in *Joſhua Barnes*. We do not find any Subſidies were aſked or given this Parliament; and for the Laws made in it, they are alſo in the *Statutes at large*.

It

[k] The elegant *Italian* Hiſtorian ſums up theſe Acts of Grace in this Manner, *Exules revocavit, Parduellibus pepercit, Cuſtodias omnes dimiſit condonatis Maleficiorum Pœnis. Leges aliquot ſalutares tulit; Privilegia olim, a Majoribus Populo irrogata, quæ vulgus* Magnæ Chartæ *Immunitates vocitat, deintegro conceſſit.* Pol. Verg. *Lib.* xix. p. 385.

The Title of the Statute is, *De Pardonatione Facta Communitati* Angliæ. The famous Cuſtom of our Kings waſhing the Feet and cloathing ſo many poor Men, on *Maunday Thurſday*, as they were Years old, began now at this *Jubilee*. *Speed's Chron.* p. 584. *Pol. Verg. ut ſupra.*

[l] *Feurent monſtrer en* Engleys; which plainly ſhews that all former Declarations of this Kind were made in *French*.

It is obſervable that this Parliament continued, by Prorogations, 'till the 3d of *November*; when the Lord-Chancellor, in Preſence of the King and both Houſes, declared, 'That the King was now reſolved to execute 'the Statute of Apparel, and therefore charged them 'all to promote the ſame.' Theſe Statutes of Apparel were made and paſſed in this Parliament. They conſiſt of ſeven Articles in the Record, and as many Chapters in the printed Statutes. They were to regulate the Dreſs of all Manner of People; from Knights and Ladies of 400 or 200 Marks a-year, down to Ploughmen and Servants, the Clergy not excepted. The ſeveral Editors of the *Statutes at large* have not preſumed to tranſlate any of theſe Articles out of their original *French*, neither ſhall we; becauſe the Terms of Faſhions in thoſe Days are not to be rendered into any other Language at preſent. K. *Edward* III.

When all was concluded the Chancellor demanded of both Houſes, 'Whether they would have ſuch Matters 'as they agreed on to be by way of Ordinance or of 'Statute? They anſwered, 'By way of Ordinance, 'that they might amend the ſame at their Pleaſure.' By which the Reader may obſerve the Difference between an Ordinance and a Statute, the former being looked upon as a Temporary, the other as a Standing, Law [k]. Difference between an Ordinance and a Statute.

On the 4th of *December*, in the Cloſe of the Year 1364, King *Edward* ſent forth his Summons for a Parliament to meet him at *Weſtminſter*, on the Octaves of St. *Hilary*, or *January* the 21ſt, following. On which Day, being met, they were, by Proclamation, adjourn'd to the next Morning in the *Painted Chamber*, there to hear the King's Pleaſure. At which Time Biſhop *Langham*, Lord-Chancellor of *England*, began a long and formal Harangue, taking for his Text that of the Royal Prophet, *Faithful Judgment doth adorn the King's Seat.* 'From whence he took Occaſion to extol the great Va- 'lour of the King his Maſter, and the many Victories 'which, by God's Aſſiſtance, he had gain'd in his Youth; 'not forgetting the conſtant and dutiful Good-will and 'ready [296] Anno Regni 39. 1365. At *Weſtminſter*.

[k] In this Parliament it was enacted, That Poultry ſhould be ſold in the following Manner; a young Capon for 3 *d.* an old one for 4 *d.* a Hen for 2 *d.* a Goeſe for 4 *d.* This Parliament ſat but from *October* 6th to the 3d of *November* following.

K. *Edward* III. ‘ready Concurrence of the King's loyal Subjects, to-
‘wards the Furtherance of thoſe his important Under-
‘takings. For all which, as the King did now, by him,
‘return them his hearty Thanks, ſo he let them know
‘that, for his Part, he was reſolved to ſeek the common
‘Peace and Tranquillity of all his People; eſpecially
‘by enforcing a due Obſervance of all good and whole-
‘ſome Laws, and amending ſuch of them as ſhould be
‘thought defective; as alſo by eſtabliſhing new ones as
‘Neceſſity ſhould require.’

They then proceeded to appoint Receivers and Tryers of Petitions for *England*, *Ireland*, *Wales*, &c. as alſo for *Aquitain*, and other Foreign Countries. Which done, the King himſelf ſpoke to the whole Aſſembly; and this Speech, being a very remarkable one, and the firſt, on Record, that ever came from this King, we ſhall give *verbatim*, as near as the Nature of the two Languages will admit of; obſerving, that the Speech is not entered, in the Record, as the King ſpoke it, but only as the Subſtance of what he did ſpeak.

The King's Speech againſt the Encroachments of the See of *Rome*.

Whereas perſonal Citations, weak and falſe Suggeſtions, have been, from Day to Day, made to the Pope, againſt all Manner of Perſons in this Realm, for Cauſes conuſſable in the King's own Court; and that Proviſions, made in the Court of Rome, *have been procured for Benefices in Holy Church, belonging to the Diſpoſal and Donation of the King and other Patrons in this Kingdom; and alſo to Churches, Chapels, and other Benefices appropriated to Churches Cathedral and Collegiate, Abbies, Priories, Chantries, Hoſpitals, and other poor Houſes; by which Suggeſtions the Laws, Uſages, and antient Cuſtoms and Franchiſes of this Realm have been very greatly obſtructed; the King's Crown and Dignity devaſed; his Perſon ſcandalized; the Goods and Riches of the Kingdom tranſported; the Houſes and Dwellings on Livings waſted and deſtroyed; Divine Service, Alms, Hoſpitality, and other Works of Charity, either neglected or leſſened, and a Multitude of other Evils and Miſchiefs muſt happen and daily come upon us: For which Reaſon the King prays the Prelates, Dukes, Earls, and Barons, from whom he had always found Loyalty and good Counſel, that they would adviſe him as to theſe Grievances againſt him, the Rights*

of

of his Crown, and of several other Persons in the Realm: That they would consult together first, and afterwards with the Commons, and come all before him in the White Chamber, *and give him such Advice as seemed best to preserve his Dignity, the Rights of his Crown, and those of his People.* K. *Edward* III.

Three Days after the whole Body came before the King as directed, and brought with them a Bill they had framed against those Papal Encroachments, of which an Act was made and passed in this Parliament.

The Reason of the King's delivering this Injunction to his Parliament, *vivâ Voce*, was, because any Man, of less Degree than himself, would have been in Danger of an Ecclesiastical Censure for doing it. An Act was however made accordingly, and passed this Session, which may be found in our printed Statute-Books, agreeing with the Record; except that, as the Editor of the Abridgment observes, his Holiness is used with much more Freedom, by several biting Expressions in the Record, which are not to be found in the Print; a Mystery, adds he, not known to all Men[a]. This seems to be an unjust Reflection of that good Protestant Mr. *Prynne*; for whoever will take the Pains to compare the one with the other will find no such Difference as he speaks of.

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Whereupon another Statute is made against the Pope's Provisions.

The Petitions of the Commons, with the King's Answers to them, come next in the Proceedings of this Parliament; the most remarkable of which are these: 'The Commons pray, That 3*s.* 4*d.* laid upon every 'Sack of Wooll at *Calais*, and all other unreasonable 'Impositions, may cease.' Answer. *The King willeth that unreasonable Impositions may cease.* It was also then agreed, That the Staple being removed from *Calais*, one should be held at *Melcomb-Regis*, and another at *Ipswich*; and that all Merchants and others might ship Woolls at *Lewes*, for their Ease, or in other Places. The Business of this Parliament being finished, the King gave Thanks to the Lords and Commons for their good Affections to him, and, on the 16th Day of *February*, dismissed them to their own Homes.

The

[a] Abridgment of Records, p. 100.

K. *Edward* III. The Stroke made at the See of *Rome* in the laſt Parliament could not be inſenſibly felt in that Quarter; accordingly we find, in the next, how warmly it was reſented. For,

Anno Regni 40. 1366. On the 30th of *March*, in his fortieth Year, King *Edward* held another Parliament at *Weſtminſter*; at the opening of which, in the *Painted-Chamber*, the Biſhop of *Ely* [b], Lord-Chancellor, declared, in Preſence of the Lords and Commons, the Reaſons why this Parliament was called; which, in Effect, were theſe: 'That ſince 'the King had ſent his eldeſt Son, the Prince of *Wales*, 'to govern the Country of *Aquitain*, as alſo the Duke 'of *Clarence*, his next Son, to be his Lieutenant in *Ire-* 'land, his chief Care now was how he might govern 'his People at home in the beſt Manner.' After which both Houſes proceeded to nominate Receivers and Triers of Petitions as uſual, and adjourned to the next Day; when the Chancellor, in the Preſence of the King, Lords, and Commons, ſpoke again and told them, 'That he had the Day before informed them, in gene- 'ral, of the Occaſion of their Meeting, and that now 'they ſhould know it more particularly, the King ha- 'ving a Matter of great Importance to communicate to 'them. His Majeſty had lately received Notice, that 'the Pope, in Conſideration of the Homage which *John* 'King of *England* had formerly paid to the See of '*Rome*, for his Realm of *England* and Dominion of '*Ireland*, and of the Tribute by him granted to the ſaid 'See [c], intended, by Proceſs, to cite his Majeſty to ap- 'pear at his Court at *Avignon*, to anſwer for his De- 'faults, in not performing what the ſaid King, his Pre- 'deceſſor, had ſo undertaken for him and his Heirs, 'Kings of *England*. Whereupon the King required 'the Advice of his Parliament, what Courſe he had 'beſt take if any ſuch Proceſs ſhould come out againſt 'him.'

At *Weſtminſter*.

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The King informs the Parliament that the Pope intended to cite him to do Homage for his Crown,

The Biſhops, Lords, and Commons, ſeverally, deſired Time to the Day following, to give in their Anſwer; when, being again aſſembled, after full Deliberation, they declar'd as follows: 'That neither King 'John

[b] *Simon Langham*: He was tranſlated to *Canterbury*, *Anno* 1366. *Le Neve's Faſti.*

[c] Of 1000 Marks a-year. *Record.*

'*John*, nor any other King, could bring himſelf, his Realm, and People, under ſuch Subjection, without their Aſſent; and if it was done, it was without Conſent of Parliament, and contrary to his Coronation Oath; that he was notoriouſly compelled to it by the Neceſſity of his Affairs and the Iniquity of the Times; wherefore the ſaid Eſtates enacted, That, in Caſe the Pope ſhould attempt any Thing by Proceſs, or any other Way, to conſtrain the King and his Subjects to perform what he ſays he lays Claim to in this Reſpect, they would reſiſt and withſtand him to the utmoſt of their Power.' Thus was this haughty Demand of the Pope's, by the ſtout Oppoſition of both the Prelacy and Laity in this Parliament, quaſhed for ever; for we do not find that it was ever after demanded. Nor, in all Likelihood, would it have been trumped up now, but out of Revenge to the Proceedings of the laſt Parliament againſt the Incroachments of the See of *Rome*. It ſeems King *Edward* was ſo moved at the Inſolence of this Demand, that he cauſed it now to be ordained, that, from that Time forward, St. *Peter*'s *Pence* ſhould not be paid, which had continued to be ſo from the Days of King *Ina*, the *Weſt Saxon* King, about the Year 680; who had granted it to the See of *Rome*, in Conſideration of an *Engliſh* Seminary, or School, to be continued there for ever [d].

K. *Edward* III.

Which they highly reſent;

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And thereupon *Peter*'s *Pence* is forbid to be paid.

There were ſome others Matters tranſacted this Parliament; particularly, ſettling the Differences betwixt the two Univerſities, *Oxford* and *Cambridge*, and the Mendicant Friars, who exhibited Complaints againſt each other; the Particulars whereof are not to our Purpoſe. This Parliament ſat till the 11th of *May* this Year; when the Lord-Chancellor notified to them 'the Marriage of the Princeſs *Iſabella* to the Lord *Ingelram de Coucy*, who had a large Eſtate both in *France* and *England*, and that it would be for the King's Honour to create him a Peer of this Realm;' which the Lords finding convenient, readily agreed to: Whereupon the King, by his Letters Patent, created him Earl of *Bedford*, with a Grant of 1000 Marks *per Annum*, out of the Exchequer, and 30 Marks more out of the Iſſues

[d] However it was but a temporary Delay, for it was afterwards collected to the 25th of *Henry* VIII. when that Prince put an effectual Stop to it.

K. *Edward* III. Iſſues of the County of *Bedford*, to be paid by the Sheriff of that County. Mr. *Tyrrel* here obſerves, That the Parliament did not quarrel with the King, or find Fault with his marrying his Daughter to a *Frenchman*, tho' his Subject; or that he had conferred upon him ſo great an Eſtate belonging to the Crown; or, laſtly, that he would now make him a Nobleman of *England*; for tho' it was uſual, adds he, for this King not to create either Dukes or Earls, not even his own Sons, without the Privity of the reſt of the Peers, yet we do not find that ever he aſked the Conſent of the Commons, or that it was paſſed into an Act or Statute, all the Charters of their Creations being granted by the King alone, and the Conſent of the Parliament not at all mentioned in them.

[300] We now meet with an Interval of two or three Years, during which Time our Hiſtorians are taken up with deſcribing the *Black Prince*'s martial Exploits and Victories in *Spain*; where he reſtored Don *Pedro* to the Crown of that Kingdom. Things did not go ſo well, however, in *France* and *Scotland*, as we ſhall ſee hereafter; and King *Edward* having loſt his ſecond Son, Prince *Lionel*, who died ſoon after his ſecond Marriage in *Italy*, from this Period we muſt date the Turn of that good Fortune which had hitherto favoured him throughout his whole Reign.

Anno Regni 42. 1368. At *Weſtminſter*. The King iſſued out his Writs, dated *February* 24, for ſummoning a Parliament to meet at *Weſtminſter* the firſt of *May* following. When being met, Dr. *Simon Langham*, then Archbiſhop of *Canterbury*, was the King's Prolocutor, and declared to the whole Aſſembly, That it was his Majeſty's Pleaſure that they ſhould be adjourned for three Days; and at the Time appointed the ſaid Archbiſhop opened the Cauſe of their Meeting to this Effect: 'That the King yielded unto God Almighty 'moſt hearty Thanks for having given him the Victory 'over all his Enemies; as alſo for the peaceable and 'flouriſhing Condition of his Realm, and for the great 'Loyalty of his Subjects, and their conſtant Readineſs 'to ſerve him, both in Body and Goods; all which 'Bleſſings he deſir'd, as much as in him lay, to con-

'tinue

'tinue or rather to increaſe. And, that he might the 'better ſucceed in that Reſolution, he had at this Time 'called his Parliament to confer with them concerning 'Matters relating to the Premiſes.' Then the Receivers and Triers of Petitions were appointed, which took up all the reſt of that Day. K. *Edward* III.

On the Day following, being aſſembled again as uſual in the *Painted-Chamber*, the ſaid Archbiſhop farther declared the Subſtance of a Treaty between the King's Commiſſioners and *David Bruce*, King of *Scotland*, who had lately made this Offer, 'That he was willing to 'preſerve a perpetual Peace with *England*, provided he 'might quietly enjoy the Kingdom of *Scotland*, free and 'diſcharged from all Homage to that Crown; ſince to 'hold it otherwiſe would be a conſtant Reproach to him 'and his Kingdom.' Concerning which Terms of Peace the Lords and Commons, being aſked their Advice, gave in their Anſwers, ſeverally, to one and the ſame Effect, 'That they could not aſſent to any ſuch Peace, 'upon any Account, without a Diſheriſon of the King, 'his Heirs, and Crown, which they themſelves were 'ſworn to preſerve; and therefore muſt adviſe him not 'to hearken to any ſuch Propoſitions.'

The *Scots* offer Peace, on Condition of being diſcharged from Homage.

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The Propoſal rejected by Parliament.

After which the Archbiſhop, in the King's Name, gave Thanks to the Eſtates in Parliament, 'For their 'ready Compliance in aſſiſting the King's Wants by 'former Aids and Subſidies; and ſhewed them further, 'how, at that Time, the King ſtood in as great Need as 'ever of a conſiderable Supply to diſcharge his Debts:' Upon which the Lords and Commons granted the King, for two Years, of every Wooll-pack 36*s.* 8*d.* for every twelve Dozen of Fells, as much; and 13*s.* 4*d.* for every Laſt of Skins, over and above the old Cuſtoms. Then certain new Statutes were prepared for the Royal Aſſent, and ſome old ones were explain'd and confirm'd, which may be ſeen in the printed Statute-Books under this Year, and therefore unneceſſary here.

A Subſidy granted.

On the 21ſt of *May* the King gave Thanks to the Lords and Commons for the great Aid they had given him, and that Day all the Lords and divers of the Commons dined with his Majeſty; after which Sir *John Lee* was brought before him and the Lords and Commons, to anſwer certain Objections made againſt him by *Wil-*

K. *Edward* III. *liam Latimer*, concerning a Lordſhip belonging to *Robert Latimer*, with certain Lands which had been granted during his Minority, and being afterwards granted to the ſaid Sir *John Lee*, he being Steward of the King's Houſehold, compelled the ſaid *William*, by Dureſs of Impriſonment, to ſurrender up the Eſtate into his Hands: And tho' Sir *John* excuſed himſelf, as being the King's Grantee, yet it was not admitted, becauſe he had uſed Force, and had not outed the ſaid *William* by due Proceſs of Law. There were alſo divers other Complaints againſt him; that, as Steward of the King's Houſhold, he had cauſed ſeveral Perſons to be attached by Order of the Council, and then appear before him alone, and make Anſwer out of Council; with ſeveral other Miſdemeanors. Of all theſe Accuſations Sir *John* not being able to purge himſelf, he was, by Order of the King and Lords, committed cloſe Priſoner to the Tower, and ordered to pay a Fine according to the King's Pleaſure. This Affair, though of no great Moment in itſelf, we think neceſſary to take Notice of, as it is the firſt Precedent to be met with, not only of any Accuſation or Impeachment of a Perſon in Parliament, for a ſimple Miſdemeanor, and not for Treaſon, but alſo where the Offender was committed to Priſon by the King and Lords at a private Meeting, when the Parliament was not ſitting.

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About this Time another War with *France* ſeeming unavoidable, the *French* King having, by Treaties and Embaſſies, deluded *Edward* 'till he had taken an Opportunity to ſeize on the greater Part of his Dominions abroad, he called a Parliament in order to lay this Affair and the State of the Nation before them. They were ſummoned to meet at *Weſtminſter*, *May* 27, this Year; at which Time the King, Prelates, Dukes, Earls, Barons, Knights, Citizens, and Burgeſſes, aſſembled in the *Painted-Chamber*, the famous *William* of *Wickham*, or *Wykeham*, Biſhop of *Wincheſter*, then Lord-Chancellor, being Prolocutor. This Prelate told the Aſſembly [e], 'That the King always, in his greateſt Affairs, had 'uſed their Advice and Counſel; in which he ever found 'them truly loyal, and for which he thank'd them: And 'that,

Anno Regni 43. 1369.

[At *Weſtminſter*.

[e] In a ſet Speech, beginning, *Sires, le Roi en touz les groſſes Beſoignes*, &c.

'that, not being willing any Thing ſhould be unknown K. Edward III.
'to them, he laid before them the Peace, which, by
'their Advice, he had concluded with his Adverſary of
'*France* ſome Time ago: The Conditions of which
'were, That, by ſuch a Day, he ſhould ſurrender up to
'him certain Countries beyond Seas; ſhould pay unto
'him certain Sums of Money at ſtated Times; and
'that, for the future, he ſhould never pretend to any
'Juriſdiction or Sovereignty over *Gaſcoigny* or its neigh-
'bouring Parts. In Conſideration thereof the *Engliſh*
'King was to give up the Stile and Title of the King
'of *France* for ever, which he had accordingly done:
'But his ſaid Adverſary had not only failed to make
'Delivery of the Lands and Countries agreed upon;
'had made no Payments of the Money; but had alſo [303]
'ſummoned certain Lords of that Country, under his
'Juriſdiction, and even the Prince of *Wales* himſelf, to
'appear before him, on a Day prefixed, at *Paris*, to
'anſwer their Appeals; which was contrary to the Form
'and Tenor of the Peace. Beſides all this, he had ſent
'a great Number of Men at Arms, and others, into
'*Gaſcoigny*, and there, by Force, had taken Towns,
'Caſtles, and other Places; killed ſome of the King's
'Liege People, taken others, and impriſoned them in
'Hopes of great Ranſoms; the ſame he had alſo done
'in *Ponthieu*. That becauſe of theſe Doings, eſpecially
'in the Principality of *Aquitain*, againſt the Form of
'the Peace, the Prince had ſent ſpecial Meſſengers to
'inform the King, that he had called to him the wiſeſt
'Men of the ſaid Principality, and treated with and pro-
'pounded to them, whether, by reaſon of theſe Things,
'his Father might not, by Right, retake upon him, and
'uſe, the Name of King of *France*;' who all anſwered
'and affirmed, 'That the King might do it by Right
'and Good Faith.' Upon which Point the Archbiſhop
of *Canterbury* and the other Prelates were charged by the
King to treat and ſhew their beſt Advice and Counſel.

The Prelates took two or three Days Time to deli-
berate upon this knotty Caſe of Conſcience, 'Whether
'the King was releaſed from his Oath or not?' When
the whole Aſſembly being again met, the Archbiſhop
and Biſhops, with one Accord, anſwered, 'That the
'King, for the Cauſes aboveſaid, might juſtly re-aſſume

K. *Edward* III. ‘ and uſe the Name of King of *France*, by Right and ‘ good Conſcience.’ To which Sentence the Dukes, Earls, Barons, Knights, and Commons, unanimouſly agreed. After which Declarations the King cauſed the Great Seal of *England* to be changed again, along with his other Seals; from which Time, even unto this Day, the Kings of *England*, his Succeſſors, continue their Arms quartered with *France*; in Token of that Right, ſays *Barnes*, to which King *Edward* ſo juſtly now renewed his Claim.

The *French* having broke the Peace, the War is renewed.

The Parliament having thus agreed to renew the War, the next Thing to be thought of was the Sinews of it: Accordingly the King ordered ‘ the State of the Nation ‘ to be laid before them; and, becauſe he ſhould be at ‘ great Charge to maintain his Forces both by Sea and ‘ Land, which he could not ſupport without their Aſ- ‘ ſiſtance, he requeſted them, therefore, to conſult and ‘ adviſe how it might beſt be done with the leaſt Charge ‘ and Damage to his People.’ On which the Lords, by themſelves, and the Commons, of one Accord, granted to the King a Subſidy on Woolls; that is, 43*s.* 4*d.* on every Sack, and on every twelve Dozen of Wooll-fells, as much; on every Laſt of Leather, that ſhould be exported, 4*l.* beſides the antient Cuſtoms for three Years, to commence at *Michaelmas* next; on Strangers was laid, for every Sack of Wooll, four Marks, and every twelve Dozen of Fells, as much; and on every Laſt of Leather eight Marks, over and above the old Cuſtom.

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A large Subſidy granted.

Some other Matters were tranſacted, in this Parliament, of leſs Notice; as, that all the King's Forts, Ports, and Fortreſſes ſhould be ſurveyed, repaired, and re-edified; that no Religious Aliens ſhould be left in a Capacity to diſcover the Secrets of the Realm, as well as all their Poſſeſſions to be ſeized into the King's Hands; that Remedy may be had againſt the exceſſive Price of Armour, and againſt the unreaſonable Demands of Dealers in Horſes. *Laſtly*, the King, on the 12th Day of *June*, came to the Houſe, and gave them Thanks, from his own Mouth, ‘ for the great Pains they had ‘ taken, and the Aid they had given him; and, in ſome ‘ Sort of Recompence, promiſed to all thoſe Lords, and ‘ others, of whatſoever Degree, Eſtate, Condition, or ‘ Nation they were, who would maintain his Cauſe and

The King grants public Encouragement to all thoſe who ſhould aſſiſt him againſt *France*.

‘ Quarrel

'Quarrel againſt his Enemies of *France*, that they ſhould K. *Edward* III.
'hold and enjoy, for ever, all they ſhould there recover
'and conquer, whether Duchies, Earldoms, Viſcounties,
'Cities, Towns, Caſtles, or Lordſhips, Perſons, Names,
'Arms, and Honours, to hold the ſaid Poſſeſſions of him
'as King of *France*, by the accuſtomed Dues and Ser-
'vices; reſerving only, to himſelf and his Heirs, all De-
'meſnes, Royalties, Services, Homages, Dues, Reſorts,
'and Sovereignties belonging to the Crown of *France*;
'and excepting all Church-Lands, and the Lands of all [305]
'ſuch who, without Force or Difficulty, would obey,
'adhere to, and remain in Obedience to him, and, of
'their own Good-will, would aſſiſt him in his Quarrel
'againſt his ſaid Adverſary. Likewiſe the King com-
'manded, That not only all the Biſhops ſhould muſter
'their own Tenants and Servants, but that all Parſons,
'Vicars, Monks, Friars, and other Religious Perſons of
'the Clergy, ſhould be in Readineſs, in Caſe of an In-
'vaſion, to reſiſt the common Enemy:' And then he
'diſſolved this Parliament [b].

The War began now to be entered into briſkly on both Sides, and continued, from the laſt Period, a Year or two, with various Succeſs; though the King, on Account of his great Age, was unable to go over in Perſon. But the Renewal of the War was not the only Thing that diſturbed *Edward*'s Repoſe; the Loſs of his Queen, who died in the Year 1369, was a very great Affliction to him: Beſides, the Noble and Valiant Prince of *Wales*, being taken with a lingering Illneſs, was oblig'd to return to *England* for the Recovery of his Health, leaving his Brother *John*, Duke of *Lancaſter*, his Lieutenant in *Aquitain*.

After the Prince's Arrival here, Affairs began to take a different Turn abroad; the *French* had gained great Advantage over the *Engliſh*, particularly in the Principality of *Aquitain*, which alarmed King *Edward* ſo much, that he thought himſelf obliged to call a Parliament to aſk their Advice about it. Accordingly Writs of Summons were iſſued out, dated *January* 8, for a Parliament to meet on *Monday*, the firſt Week in *Lent*, which

Anno Regni 45. 1371.

At *Weſtminſter*.

[b] *Rot. in Turre* Lond. 43 *Ed.* III. *Rymer*'s *Fœd.* Tom. VI. p. 631. *Collier*'s *Eccleſiaſtical Hiſtory*, p. 561.

K. *Edward* III. which was *February* 24, that Year. Being all, as uſual, aſſembled in the *Painted-Chamber* at *Weſtminſter*, the Lord-Chancellor *Wickham* opened the Cauſe of the Summons to be for this Purpoſe: 'That ſince, by the 'Aſſent of the laſt Parliament, the King did re-take upon 'him the Title of King of *France*, becauſe his Adverſary 'had broke the Peace, and claim'd the Superiority over '*Aquitain*, which had formerly belonged to his Father, 'he had for this, and ſeveral other Cauſes, been at great [306] 'Expences, and ſent ſome Men of Quality, and others, 'to a mighty Number, to conquer and recover his 'Right: That the King had received News from his 'Friends and Allies, that his Adverſary had made him-'ſelf ſtronger than he had done before, and ordered ſo 'great an Army to be brought together, that, in all Pro-'bability, he would be able to get Poſſeſſion of all his 'Lands and Territories beyond Seas, as well in *Gaſ-'coigny* as at *Calais*, *Guiſnes*, *Ponthieu*, and other Places. 'Further, that his ſaid Adverſary had ſuch a Fleet ready 'as ſeemed ſufficient to deſtroy the whole *Engliſh* Navy; 'and that he purpoſed to ſend over ſuch a Land Army 'into this Kingdom, as might be equally able to con-'quer and ſubject it to his own Power: Wherefore the 'King earneſtly deſir'd the Lords and Commons to con-'ſult about theſe Points, and adviſe him which Way the 'Kingdom might be ſafely guarded, the Navy preſerved 'from the Malice of his Enemies, his Lands beyond Sea 'kept, the War maintained, and the Reduction of the '*French* effected.'

A Tax of 22*s.* 3*d.* laid by the whole Parliament on every Pariſh, towards the War.

Theſe high Matters being thus laid before the Parliament, many Ways and Means were propoſed for raiſing an Aid, which were freely debated betwixt the Lords and Commons. At laſt, in Conſideration of the great Coſts and Charges which the King had been at, and was to bear, for the Reaſons given, both Houſes conſented, *March* 28, to grant a Subſidy of 50,000 *l.* to be levied on every Pariſh at 22 *s.* 3 *d.* and thoſe of greater Value to contribute, by Rate, to thoſe of leſs. The Clergy, here alſo, granted the King a ſeparate Aid of 50,000 *l.* more, for one Year, towards carrying on the *French* War; for the raiſing of which extraordinary Sum, from that Body, the very Chantry-Prieſts were taxed according to their annual Stipends; as likewiſe

wise all other small Benefices which had never been taxed before [c]. K. *Edward* III.

A Great Council of the Estates, consisting of a select Number of Prelates and Lords, and one Knight and one Burgess of the last Parliament, as a Committee of it, sat at *Winchester* on the eighth Day after *Trinity-Sunday*, or *June* 8, this Year. The King, immediately on the granting this Subsidy, had sent out his Writs to the Sheriffs of every County in *England*, to cause them to return to him the Number of the Parish-Churches in each Shire. After which the Chancellor acquainted this Council, 'That the Number of Parishes in *England* would not 'answer the said Tax of 50,000 *l.* as might appear by 'the Certificates of all the Archbishops, Bishops, and 'Sheriffs, made and returned into Chancery by the 'King's Warrant.' These Certificates were examined by the Committee, and many Treaties and Conferences had upon the Matter; at last, to compleat the Sum of 50,000 *l.* the said Committee of Lords and Commons granted, out of every Parish in the Kingdom, the Sum of 116 Shillings, the former Sum of 22 *s.* 3 *d.* being included; except the County of *Chester*, which was a County Palatine, and the Church Lands, which were taxed to a Tenth; and, as before, Parishes of greater Extent and Value were to be contributary to the less. *John Stowe* has preserved a List of the several Counties of *England*, in which the Number of Parishes are mentioned, and their several Taxations fixed; which, since it is the first Tax of that Kind that we have yet met with, well deserves our Notice [d]. [307]

At *Winchester*.

Which is augmented to 116 *s.* by a Council only.

Joshua

[c] Rot. Parl. 45 *Edw.* III. N°. 1, 6, 7. *Abridg.* p. iii.—*Hollingshead* makes a very great Mistake here, and says that the Clergy denied this Subsidy, and excused themselves with fair Words and shuffling Answers; insomuch that the King was so displeased at them, that he removed the Chancellor, the Treasurer, and Privy Seal, being Clergymen, from their Offices, and put Laymen in their Stead, p. 406. This he took from *Fabian's Chron.* in this Year.

[d] *Shires.*	*Parishes.*	*What every Shire did pay.* £.	s.	d.
Bedfordshire	121	701	16	0
Berkshire	156	904	16	0
Buckinghamshire	200	1160	0	0
Cambridgeshire	172	997	12	0
Cornwall	194	1125	4	0
Cumberland	96	556	16	0
Derbyshire	96	556	16	0

Devonshire

K. *Edward* III.

[308]

Joshua Barnes makes the Proceedings of this Committee at *Winchester* go on with the last Parliament without any Distinction: But *Brady* and *Tyrrel*, who were after him, calls it only a Great Council at *Winchester*; and says it consisted of four Bishops, four Abbots, six Earls, six Barons, and such of the Commons as the King should please to appoint, who were of the last Parliament. Mr. *Tyrrel* goes on and remarks, That this is a plain Proof of the Difference between a Council and a Parliament; the former consisting of such Bishops, Peers, and Commons as the King pleased to call to it, and the other of all the Bishops, Earls, and Barons of *England*,

Remarks thereon.

Shires.	*Parishes.*	*What every Shire did pay.* £.	s.	d.
Devonshire	381	2149	16	0
Dorsetshire	237	1374	12	0
Durham	61	553	16	0
Essex	400	2259	18	0
Gloucestershire	254	1473	4	0
Herefordshire	144	834	4	0
Hertfordshire	136	730	16	0
Huntingdonshire	62	535	12	0
Kent	393	2279	8	0
Lancashire	58	336	8	0
Lincolnshire	627	3636	16	0
Leicestershire	209	1212	4	0
London	110	637	0	0
Middlesex	63	365	8	0
Norfolk	806	3674	16	0
Northamptonshire	303	1757	8	0
Northumberland	60	348	0	0
Nottinghamshire	164	951	4	0
Oxfordshire	200	1160	0	0
Rutlandshire	44	255	4	0
Shropshire	114	661	4	0
Somersetshire	391	2267	16	0
Southamptonshire	230	1334	0	0
Staffordshire	100	580	0	0
Suffolk	515	2926	0	0
Surrey	118	684	8	0
Sussex	284	1647	4	0
Warwickshire	183	1061	8	0
Westmoreland	32	185	12	0
Wiltshire	239	1386	4	0
Worcestershire	139	806	4	0
Yorkshire	540	3071	12	0

The Sum of all the Shires in *England*, without the City of *London* and the Bishoprick of *Durham*, be 37, and of Parish-Churches 8600, and all the Money amounted unto 50,181 *l.* 8 *s.* &c. of the which was withdrawn 181 *l.* 8 *s.* by the Reason that Parishes in the County of *Suffolk* paid but 112 *s.* 7 *d.* and the Parishes in *Devonshire* paid but 112 *s.* 10 *d.* for their great Poverty, and so was the King answered his 50,000 *l.* *Stowe*, p. 269. But there seems to be a Mistake in his Calculations.

land, together with the Knights, Citizens, and Burgeſſes elected by their ſeveral Counties, Cities, &c. But, adds he, How ſuch a *Council* could take upon them to alter or add to a Tax, that had been already granted by the *Whole Parliament*, is to him unintelligible: From which we reaſonably conclude, That this Great Council was no more than a Committee of Parliament, as we have call'd it, to meet and do Buſineſs, to ſave the Expence and Trouble of another general Aſſembly. And it is alſo to be remarked, That the Tranſactions of this Council, and of the preceding Parliament, are enter'd in the ſame Roll, and the Numbers continued, as if it was one and the ſame Aſſembly. K. *Edward* III. [309]

The Truth is, as it plainly appears by the Record itſelf, that, as ſoon as the Tax on Pariſhes was firſt granted, the King ordered his Chancellor, then Sir *Robert de Thorpe* [e], to acquaint the Lords and Commons, 'That as the Feaſt of *Eaſter* and the Holy Week was 'near at Hand, the Petitions of the Commons could not 'all be anſwered within the Time, that therefore the 'King would ordain certain Lords and others to meet 'after *Eaſter* to cloſe the Points of their Petitions, and 'give ſuch Anſwers to them as ſhould ſuffice, and be 'agreeable to Reaſon.' After which ſome of the Petitions and Anſwers, which were ready, being read and anſwer'd, the King thanked the Commons for their Aid, gave them Leave to depart, and ſo finiſhed this Parliament [f].

It appears, by this Extract, that the Parliament was entirely diſſolved, and that the King, by his own Authority, did appoint a Committee out of it, to meet at another Time and Place, to finiſh what was left undone before. This can anſwer to nothing more than our preſent Commiſſions to ſome Lords to paſs Acts, when the King is indiſpoſed and cannot come down to the Houſe himſelf: But, howſoever this was, it is certain that we never met with ſuch an Unparliamentary Proceeding, either before this Time nor ſince.

The Petitions of the Commons, which were not anſwered in the preceding Parliament, were anſwered at this Council; amongſt which the following is moſt remarkable:

The Commons petition that none of the great Offices of State may be held by Clergymen.

'For

[e] The Reaſon of this Change will appear in the Sequel.

[f] *Dona Congé a departer et dient ſoy le Parlement.* Rot. Parl. 45 *Edward* III. N°. 9.

K. *Edward* III. 'For that it had been declared to the King, in the 'late Parliament, by all the Earls, Barons, and Com-'mons of *England*, *That the Government of the King-'dom had, for a long Time, been managed by Men of the 'Church, whereby many Miſchiefs and Damages had 'happened in Time heretofore, to the Diſheriſon of the 'Crown, and to the great Prejudice of the Kingdom:* 'That it would therefore pleaſe the King, that Laymen, 'of ſufficient Abilities, and no others, might, for the 'future, be made Chancellor, Treaſurer, Clerk of the 'Privy Seal, Barons of the Exchequer, Comptroller, 'or other Great Officers and Governors of the King-
[310] 'dom; and that this Matter might be ſo eſtabliſhed, 'that it ſhould never be defeated, or any Thing done 'to the contrary in Time to come, ſaving to the King 'the Removal and Choice of ſuch Officers, yet ſo as 'they ſhould be Laymen.'

The King's Anſwer was, *He would do in this Point what ſeemed beſt to him by Advice of his Council.*

Though the King was, as uſual, very conciſe in his Anſwer to this Petition, yet we find that he thought of it ſoon after; for, even in this very Parliament, *William* of *Wickham*, Biſhop of *Wincheſter*, and Lord-Chancellor of *England*, did deliver up the Great Seal to the King at *Weſtminſter*, which was immediately given to Sir *Robert Thorpe*, one of the King's Judges in the Law. At the ſame Time *Thomas Brentingham*, Biſhop of *Exeter*, was removed from being Lord-Treaſurer, and was ſucceeded by *Richard* Lord *Scrope*, of *Bolton*. *Barnes* ſays, That it was then enacted that, for the future, the Chancellor, Treaſurer, and Keeper of the Privy Seal, ſhould not be Clergymen; but that ſecular Perſons only ſhould have thoſe Employments [e].

The ſame Author has given us ſeveral Petitions and Anſwers of the King to the Commons at this ſecond Seſſion, as he terms it, which may be thought too tedious, and therefore we omit them. But an Embaſſy from

[e] Mr. *Collier* obſerves, That this Repreſentation of a public Diſadvantage of preferring the Clergy to Places of Power and Truſt, is contradicted in the Preamble of an Act made in this King's Reign; for in the Statute of Proviſors it is ſaid, 'That the Kings, in Times paſt, were wont to have the 'greateſt Part of their Council of Prelates and Clerks, for the Safeguard of 'this Realm; and that the Pope, by preferring Foreigners to Offices in *En-'gland*, unfurniſhed the Council-Board, and diſappointed the Government.' And, adds that Author, this was urged as one Reaſon for paſſing the Act, and preventing Papal Proviſions. *Collier*'s *Eccleſ. Hiſt.* Vol. I. p. 561.

from the Pope, which happened at this Time, may be worthy of Notice. Two Cardinals, one of them *Simon Langham*, late Archbiſhop of *Canterbury* and Chancellor of *England*, which laſt he had reſigned for the more Apoſtolical Dignity of Cardinal, &c. were ſent by his Holineſs, with Letters of Credence, to treat effectually with King *Edward* about ſettling of a Peace between the two Crowns of *France* and *England*; but this was without any Succeſs, for the latter had loſt, and the former had gained, too much, at that Time, to be recovered any other Way than by the Sword. K. *Edward* III. [311]

The unfortunate Part of *Edward*'s Life was now in its Criſis; Affairs in *France* grew every Day worſe and worſe, and *Charles*, the *French* King, without much Trouble or Danger, regained thoſe Lands, Cities, and Countries, which had coſt the other ſo much of both to win. The City of *Tours*, belonging then to the *Engliſh*, was cloſely beſieged; and the Garriſon obliged themſelves to ſurrender, if they were not relieved, by ſuch a Day, by King *Edward* or one of his Sons. To do this, the King raiſed a mighty Army, and he himſelf, with 400 Sail of Ships, put to Sea for its Reſcue; but the Winds proving contrary, he and his whole Fleet were toſs'd about for five or ſix Weeks, and then forced to return *Re infecta*. This was the laſt and moſt unfortunate Voyage that King *Edward* ever made, ſince, by theſe Accidents, he loſt almoſt his whole Dominions on the other Side the Water. The War with *France* unſucceſsful.

Before the King ſet out on this laſt Expedition, he left his Grandchild *Richard*, only Son to the *Black Prince*, a Youth ſcarce ſeven Years old, Guardian of the Realm; appointing him a Council for the Management of all public Affairs[f]. On the firſt of *September*, in the Year 1372,

[f] *Joſhua Barnes* writes, That this was done in Parliament, and the Succeſſion of this Prince to the Crown of *England*, after the Death of his Father and Grandfather, ſettled in that Aſſembly; when the King, the Prince, and his other Sons, and the reſt of the Lords, ſwore to the Succeſſion, and ſigned an Inſtrument to that Purpoſe. The Commons, he ſays, gave their Conſents only by holding up their Hands. But Mr. *Tyrrel* has exploded this Error in *Froiſſart*, from whoſe Authority *Barnes* quotes, and ſays, That, beſides the Abſurdity of the Relation, in making the King himſelf ſwear to the Succeſſion of his Grandſon, there is no Mention made of any ſuch Tranſactions, either in our Parliament-Rolls or any Hiſtorian, in Print or Manuſcript, beſides this Writer; from which he concludes it to be a Miſtake, or Miſinformation, in miſlating this Tranſaction; for Prince *Richard* was not declared Heir Apparent to the Crown, till three Years after in full Parliament. *Tyrrel*, Vol. III. p. 734.

K. *Edward* III. 1372, Writs of Summons were iſſued out in the Name of this young Guardian, for a Parliament to meet fifteen Days after *Michaelmas*; but, before that Time, the King was return'd into *England*, ſo new Writs were ſent out, dated at *Winchelſea*, the 6th of *October*, by which he called another Parliament to ſit on the third of *November* following [g].

[312]

Anno Regni 46. 1372.

At *Weſtminſter*.

The Lords and Commons being all aſſembled in the *Painted-Chamber* at *Weſtminſter*, on the Day appointed, Sir *John Knyvet*, then Chancellor [h], firſt acquainted them with the Reaſons why a Parliament was called to meet about *Michaelmas* laſt, and then another ſummon'd to meet at the preſent Time. Theſe Reaſons are partly given before, and therefore unneceſſary to repeat; but the Receivers and Triers of extra Petitions being afterwards appointed, the King commanded Sir *Guy Brian* to declare the further Cauſe of the Summons, which we find he did to this Effect: 'That the Prince of *Wales* 'having, by a Grant from his Father, enjoyed *Guienne*, 'he had often, by Letters, &c. ſignified to the King, 'that the Revenues and Profits, ariſing from that Prin-'cipality, did not, nor could, ſuffice to maintain him and 'ſupport the Government and Wars againſt the *French* 'their Enemies, and other neceſſary Charges, without 'a great Aſſiſtance from the King; and that the Prince 'having made theſe Things appear to the King and 'Council, when firſt he came into *England*, had there-'fore ſurrendered into the King's Hands the ſaid Prin-'cipality, and all he could claim there by virtue of his 'Grant, in the Preſence of the King and Lords of his 'Council.' The Prince of *Wales*, being then preſent, was aſked if he aſſented to this; he anſwered in the Affirmative, and ſo that Matter was ended. The next Day the ſaid Sir *Guy*, in the ſame Place, and before the ſaid Aſſembly, more expreſly declared the Cauſe of their Summons to this Effect:

'That the King, by Advice of his Parliament, had 'ordered ſeveral Commanders of Note to go over, 'ſome into *Gaſcoigny* and others to *Calais*, to oppoſe the 'De-

[g] This whole Parliament is omitted in the Abridgement of Records.

[h] This Chancellor begins his Speech, *Mes Sires et Commune*; which is very near our preſent, *My Lords and Gentlemen of the Houſe of Commons*.

'Designs of his Enemies, and to make War upon them K. *Edward* III.
'by all the Ways they could: But that afterwards,
'upon the ſudden News that came to the King of their
'March, he went himſelf to Sea with the reſt of his
'Forces; yet, by reaſon of the Winds being contrary,
'and other unavoidable Accidents, he was forced to re-
'turn without doing any Thing. That, after having
'ſummoned this preſent Parliament, he adjourned the
'ſame, in order that the Lords, who were with him at
'Sea, might be alſo there; that, by the good Advice and
'Council of them all, he might do the beſt he could
'for the Safety of the Nation, and reſiſt and oppoſe the
'Malice of his Enemies, who had made themſelves, by
'Land and Sea, much ſtronger than ever they were be-
'fore. He deſired therefore the Prince, Prelates, Dukes,
'Earls, Barons, and Commons, on the King's Behalf,
'that they would conſult about this Matter, and give
'him ſuch Counſel and Aid as ſhould ſeem to them
'moſt profitable to the Nation, and ſufficient to reduce
'the Power of his Enemies.'

The Prince, and all the reſt of the Eſtates, conſider- [313]
ing the great and exceſſive Charges and Expences the King was to be at for the Defence of the Nation, and maintaining the War againſt his Enemies, granted him the former Subſidies on Wooll, Leather, and Woollfells, for two Years longer, to begin at *Michaelmas* laſt paſt, *viz.* of every Sack of Wooll that was ſhipp'd out of *England*, 2*l.* 3*s.* 4*d.* of every twelve Dozen of Wooll-fells, as much; of every Laſt of Leather, 5*l.* of Denizens, beſides the old Cuſtom: Of Foreigners, four Marks on every Sack, beſides the old Cuſtom; as much on every twelve Dozen of Wooll-fells; and 5*l.* 6*s.* 8*d.* on every Laſt of Leather, or eight Marks. But whereas the ſaid Subſidy and Cuſtom, ſo granted, could not be ſufficient for the great Expence and Charge the King was to be at, for the Cauſes aforeſaid, as it was plainly made out to them, the ſaid Eſtates moreover granted a Fifteenth for one Year, to be levied as the laſt. A Supply granted on that Account.

On the 23d of *November* the ſaid Lords and Commons again aſſembled in the *White Chamber*; when the Chancellor declared to the King 'how kind the Parlia-
'ment had been to him, in granting him the ſaid Subſi-
'dies and Fifteenth,' who very heartily thanked them

for

K. *Edward* III. for their great Aid; and then the Petitions of the Commons were read and answered according to Custom.

In this Parliament an Ordinance was made, too remarkable to be pass'd over without mentioning: It seems the King had been informed that some Sheriffs and Under-Sheriffs of Counties had returned themselves for Parliament, and also that many Lawyers had crept in for Cities and Boroughs, to the same End; to remedy which Evil, as it is called, the following Ordinance was brought in, read, and agreed to by the King and Parliament:

'WHereas the People of the Law, who follow divers Businesses in the King's Courts for particular Persons, as their Proctors or Sollicitors, and cause many Petitions to be exhibited in Parliament, in the Name of the Commons, which do not at all concern them, but only the particular Persons whose Business they follow; Sheriffs also, who are common Ministers of the People, and ought to mind their Office, by which they ought to do Right to every one, are named, and have been before this Time returned in Parliament, Knights of Counties, by themselves, being Sheriffs: It is accorded and assented to in this Parliament, That, for the future, no Man of the Law, following Business, or practising in the King's Courts, nor Sheriff, for the Time he is Sheriff, may be return'd or accepted for Knights of Counties; nor shall any Lawyers or Sheriffs, for the future, return'd to Parliament, have any Wages.'

The great Lord *Coke* [1] takes up the Cudgels here in Defence of practising Lawyers sitting in Parliament, by catching at the Word *Ordinance*; which, he says, differs from a Statute or Act of Parliament. It is true that it does so, as we have explained at p. 315; but yet there are many Instances, in succeeding Parliaments, where they both mean the same; and, in this before us, this Ordinance had all the Sanction of an Act of Parliament, and, no Doubt, was understood so in those Days.

But, to take Leave of the Parliament we are upon, the King gave the Knights of Shires Leave to depart, and

[1] *Coke's* 4 *Inst.* fol. 10 *et* 48.

and sue out Writs for their Wages and Expences; but the Citizens and Burgesses were commanded to stay. When they, being again assembled the same Day before the Prince, Prelates, and Lords, granted, for the safe convoying of their Ships and Goods, a Custom of 2 *s.* on every Tun of Wine imported or exported out of the Kingdom, and 6 *d.* in the Pound on all their Goods of Merchandize for one Year [k]. K. *Edward* III.

On the 21st of *November*, the next Year, another Parliament met, by Summons, at *Westminster* [l]. In the Writs to the Sheriffs were these unusual Clauses, occasioned, for sure, by what passed in the last, *viz.* 'To 'cause to be chosen two dubb'd Knights, or the most 'worthy, honest, and discreet Esquires of that County, '*the most expert in Feats of Arms*, and no others; and 'of every City two Citizens, of every Borough two Bur- [314] 'gesses, discreet and sufficient, and *such who had the* '*greatest Skill in Shipping and Merchandizing.*

The King, Prince, Prelates, Earls, Barons, Great Men, and Commons, being assembled in the *Painted-Chamber*, Sir *John Knivet*, Lord-Chancellor, declared the Cause of the Summons; telling the Lords and Commons [m], 'They knew very well that, after the Peace 'between the King and his Adversaries of *France* had 'been apparently broken by them, the King had many 'Times sent great Armies abroad to recover his Rights, 'and to restrain the Malice of his Enemies; and lately 'had sent his Son, the King of *Castile* and *Leon* and 'Duke of *Lancaster*, with many Lords and others, to op- 'pose the Attempts of the *French*, who, by their good 'and noble Conduct, and Feats of Arms, had done great 'Damages and Destruction to his Adversaries, as they 'well knew, to the no small Honour of the King, and the 'Peace and Tranquillity of the Kingdom. That, besides 'the Sum granted by the last Parliament to the King in 'Aid of these Wars, great and heavy as it was upon the 'People, he had expended a great Sum of his own more 'than that Subsidy came to. Further, the Lords and 'others, Anno Regni 47. 1373. At *Westminster*.

[k] Rot. Parl. 46 *Edw.* III. N°. 1, 2, 3, 9, 13. This proves that the Citizens and Burgesses, in Parliament, were Merchants and Traders in those Days.

[l] *Lendemain de Seignt Esmon.* Edmund.

[m] He begins his Speech, *Sires, et vous de la Commune.*

K. *Edward* III. ‘ others, who had ventured their Lives and Fortunes to ‘ defend them from their Enemies, ought to be well re- ‘ freſhed and comforted with Force and Aid, and that ‘ with as much Speed as poſſible, as was well known to ‘ many of this Aſſembly who had been in the ſame Con- ‘ dition themſelves: Alſo, that their Enemy of *France* ‘ made himſelf as ſtrong as he could, not only by his own ‘ People and Allies, but by Strangers of different Coun- ‘ tries, and by all the Ways he was able, both by Land ‘ and Sea. Wherefore the King charged and beſought ‘ them, conſidering the Dangers that might happen to ‘ the Kingdom for theſe Cauſes, that they would ſpeedily ‘ conſult upon the Matter, and give the King ſuch Ad- ‘ vice as might be for the Safety of him, the Nation, and ‘ themſelves; and as ſoon as poſſible, becauſe the Sea- ‘ ſon of the Year for Action was now approaching. ‘ Laſtly, the King told them by him, that this Buſineſs ‘ required a very ſpeedy Diſpatch; and that he deſired ‘ that all Manner of Petitions, and other particular Af- ‘ fairs, might be poſtponed untill this had a good Iſſue. ‘ After which, he commanded the Commons to conſider [315] ‘ and give their Advice upon the Points aboveſaid; tell- ‘ ing them, they might depart for that Day, and come ‘ again in the Morning.’

During this Conſultation, a Committee of Commons was ſent to the Lords, in the Name of the reſt, to de- ſire they might have ſome Biſhops, Earls, and Barons, with whom they might treat and confer, for the better Iſſue of the Matter enjoined them. They named the Biſhops of *London*, *Wincheſter*, and *Bath* and *Wells*; the Earls of *Arundele*, *March*, and *Saliſbury*; and the Lords *Guy Brian* and *Henry le Scrope*; and it was agreed that they ſhould go to the Commons, and treat with them in the Chamberlain's Chamber. This Conſultation laſt- ed a whole Week, that is, to the Eve of St. *Andrew*, or *November* 29; on which Day the King, Biſhops, Lords, and Commons, being again aſſembled in the *White Chamber*, the Commons deliver'd to the King a Schedule, containing an Aid granted, which was read, beginning thus, *The Lords and Commons of* England *have granted to the King, in this preſent Parliament, a Fifteenth*, &c. the Subſtance of which Grant was two Fifteenths to be levied in two Years, according to the antient Manner,

Another Supply for the ſame Pur- poſe.

to

to be paid at *Candlemas* and *Midſummer*; and if the War ended the firſt Year, the ſecond Fifteenth not to be paid. Alſo, Sixpence upon every Pound of Merchandize coming in or going out of the Kingdom, except upon Wooll, Leather, Wooll-fells, and Wine; of every Tun of Wine 2 *s.* for two Years, on the ſame Condition; likewiſe the Subſidy on Wooll to be received after *Michaelmas*, without Condition for the firſt Year, but under the ſame Condition for the ſecond. Theſe Subſidies were granted on Proviſo, that no other Charge or Impoſition ſhould be laid upon the People for thoſe two Years. Laſtly, the Commons prayed, That what was granted might be ſpent in maintaining the Wars: That they might have Commiſſions ſent into every County without paying for the Seals: And that no Knights of Shires or Eſquires, Citizens or Burgeſſes, returned for this Parliament, might be Collectors for this Tax [a].

K. *Edward* III.

This Schedule being delivered to the King, was read before him, after which the Commons requeſted an Anſwer to their Petitions, which was promiſed; the chief whereof were theſe: [316]

Petitions of the Commons, upon granting an Aid to the King.

Petition. 'That the Great Charter and Charters of 'the Foreſt be kept.

Anſwer. *It pleaſeth the King.*

Petition. 'That the City of *London*, and all other 'Cities and Towns, may enjoy their Liberties, any 'Statute notwithſtanding.

Anſwer. *Let any ſhew the Breaches in particular, and they ſhall be anſwered.*

Petition. 'That the Staple be kept in *Calais*, and no 'Patent or Grant be made to the contrary.

Anſwer. *The King will appoint the Staple as to him and his Council ſhall ſeem beſt.*

Petition. 'Certain Counties, there named, do pray, 'That, for their eaſier Carriage of Woolls, a Staple 'may be at *Lynn*.

Anſwer. *The King granted thereto, ſo that ſtill the Staple at* Yarmouth *ſhall continue.*

[a] Rot. Parl. 47 *Edw.* III. N°. 4, 5, 12. *Abridgment*, p. 116. From hence it appears, demonſtratively, to have been the Senſe of Parliaments in thoſe Days, That ſuch who had a Vote in the granting of a Tax, ſhould have no Share in the collecting of it; and that conſequently a *Place-Bill* is no Novelty in the Conſtitution.

K. *Edward* III. *Petition.* 'That as for the Tythe of Wood above 'twenty Years Growth, it may be enacted, That no 'Tythe ſhall be due, and that in all ſuch Caſes a Pro- 'hibition may be granted.

Anſwer. *Such Prohibition ſhall be granted as hath heretofore been uſed.*

Petition. 'That Remedy may be had againſt the 'King's Chirographer, becauſe he will not engroſs any 'Fine within the Term, untill the Foot of the Fine be 'fretted [b], unleſs he may have 3*s.* 4*d.* or 4*s.* more 'than his due Fee of 4*s.*

Anſwer. *Let the Aggrieved come to the Common-Pleas and he ſhall have Right.*

Petition. 'That the Statute of Labourers may be 'executed four Times in the Year, and that the Juſtices 'may be removed for not doing their Duty [c].

Anſwer. *The King granteth thereto.*

Petition. 'That Villenage may be only tried where 'it is laid, and no where elſe.

Anſwer. *The King meaneth not to alter the Law as to this Point.*

[317] *Petition.* 'That Maſters of Ships ſhall be paid their 'Wages for them and their Mariners, from the Day of 'their being appointed to ſerve the King.

Anſwer. *The taking up of Ships ſhall not be but upon Neceſſity, and the Payment ſhall be reaſonable as heretofore.*

Petition. 'The ſaid Maſters of Ships requeſt, that 'they may have Allowance for the Tackling of their 'Ships worn out in the King's Service.

Anſwer. *Such Allowance hath not been made heretofore.*

Petition. 'The Commons requeſt Remedy againſt 'the Proviſions of the Pope, whereby he reaps the Firſt- 'Fruits of Eccleſiaſtical Dignities; the Treaſure of the 'Realm being thereby conveyed away, which they can- 'not bear.

Anſwer. *The King hath already honourable Ambaſſadors at the Court of* Rome, *touching theſe Grievances, before whoſe Return he cannot well anſwer as to that Point.*

Petition.

[b] In the Original, *Deins le Terme qe la Pees del Fyne eſt trect.* It is tranſlated as above in the Abridgment, *ſed non intelligimus.*

[c] See before, p. 292.

Petition. 'The Burgeſſes of *Briſtol*, in this Parliament, require, That the ſaid Town, with the Suburbs thereof, may be a County of itſelf; and that the Perambulation of the ſame, with the Bounds thereof returned into the Chancery, with all the Liberties and Charters thereto granted, may be confirmed by Act of Parliament. K. *Edward* III.

Anſwer. *The King is content to grant, that the Charters, Liberties, and Perambulation aforeſaid may be confirmed under the Great Seal.*

Petition. 'That Remedy may be had, that Men be not call'd into the Exchequer upon Suggeſtion, without Proceſs, contrary to the Statute made in the 42d Year of the King.

Anſwer. *Let any particular Man complain and he ſhall find Remedy.*

But, notwithſtanding all theſe vaſt Subſidies and Aids granted to the King for carrying on the *French* War, Affairs went ſtill backward in that Kingdom; the Particulars of which might ſwell this Hiſtory, but not be any Advantage to our Subject.——We meet with no Parliament for near four Years after the laſt Period; when a Truce, and Treaty of Peace upon it, obliged the King to call one, to have their Advice on ſeveral material Affairs. The Writs of Summons were dated *September* the 20th, to meet on the 12th of *February* following. But by other Writs, dated *January* the 20th, the King thought fit to prorogue this Parliament to the *Monday* after the Feaſt of St. *George*, or the latter End of *April*, in the Year 1376. [318]

At the Time prefixed, the Prelates, Dukes, Earls, Barons, Knights, and Commons, Judges, Serjeants at Law, &c. met in the *Painted-Chamber*, before the King, where Sir *John Knivet*, Lord-Chancellor, opened the Seſſions, which he declared was for the Cauſes following: Anno Regni 50. 1376. At *Weſtminſter*.

'The firſt and principal, was to adviſe about the good Government and Peace of the Realm.

'For the Defence and Safety of the Kingdom as well by Sea as Land.

R. *Edward* III. 'To take Order for the Maintenance of the War 'with *France*, and elſewhere; and how and in what 'Manner it might be done, for the beſt Profit, quickeſt 'Diſpatch, and greateſt Honour of the King and King-'dom.'

He then expreſly told them, That what the King had hitherto done was always with their Advice and Aſſiſtance, for which his Majeſty entirely thanked them; and deſired that they would diligently conſult about theſe Matters, the Prelates and Lords by themſelves, and the Commons by themſelves, and give in their Anſwers as ſoon as they conveniently could.

The Commons, upon this, went to their wonted Place, the Chapter-Houſe of the Abbey of *Weſtminſter*; the Prelates and Lords went alſo by themſelves, and there were aſſigned a Committee of Lords to go to the Commons, to treat and confer about the King's Declaration. The Lords who were of this Committee, were the Biſhops of *London*, *Norwich*, *Carliſle*, and *St. David's*; the Earls of *March*, *Warwick*, *Stafford*, and *Suffolk*; the Lords *Peircy*, Sir *Guy de Brian*, Sir *Henry le Scrope*, and Sir *Richard Stafford*; who, after due Conſultation with the Commons, agreed upon a Grant for a Subſidy, the Preamble to which ran as follows:

'The Lords and Commons aſſembled in Parliament,
'having Conſideration of the very great Charges and
[319] 'Expences the King hath, and muſt be at for the main-
'taining of his Wars, and his noble Eſtate, grant him
'the Subſidy of Wooll, Leather, and Wooll-fells, as it
'was granted him in the Parliament holden at *Weſt-*
'*minſter*, in the forty-ſeventh Year of his Reign, from
Another Supply to carry on the Wars. 'the Feaſt of St. *Michael* next coming, when the Sub-
'ſidy then granted ended, to the End of three Years:
'And the Commons humbly pray the King to excuſe
'them, that they have given him no other Subſidy or
'Aid for his Wars, for that they were brought ſo low,
'and ſo diſabled by the Peſtilence, the Murrain among
'their Beaſts, and Deſtruction of their Grain and other
'Fruits by bad Weather, that they could not do more
'at preſent; but promiſed, if any extraordinary Caſe
'ſhould happen, they would aid him to the utmoſt
'of their Power, as they had done before, beyond all
'the Commons of the World, to their Liege Lord.'

After

After this the Commons, considering the great Damages that the Nation sustained by this long and expensive War, represented to the King and Lords, in this Parliament, 'That it would be for his Honour and 'Profit, as also that of the whole Realm, which was 'grieved in divers Manners by many Adversaries, by 'the Wars in *France*, *Spain*, *Ireland*, *Brittany*, and elsewhere, that the King's Council may be augmented with 'some Lords, Prelates, and others, to the Number of 'ten or twelve, who should be continually near the 'King; so as no great Business might pass without the 'Advice and Assent of six, or four of them at least, as 'the Case required'. To this Request the King, understanding the Purport of it to be as well for the Honour and Profit of himself as of the whole Kingdom, readily consented: Provided, always, that the Chancellor, Treasurer, and Privy Seal might execute their Offices without the Presence of any of the said Counsellors, whom the King was to assign, from Time to Time, of such as he pleased, who were to be sworn to keep this Ordinance, to do Right to every one according to their Power, without receiving any Reward for so doing. The rest of the King's Officers were also to be sworn to receive no Gifts, Fees, or Rewards, other than their Salaries, Liveries, and Travelling Charges [d]. [320]

K. *Edward* III.

A Council appointed to attend the King constantly.

The further Proceedings of this Parliament take up several Folio Pages in *Joshua Barnes*'s History of this King's Reign, which he has translated from the Records; and which indeed are much longer in themselves than of any Parliament we have yet met with: But, as the Scope of our Design will not allow us to be so particular as that Historion, we shall give the Abstracts of the Proceedings of this Parliament in a shorter Manner from *Brady* and *Tyrrel*, carefully compared with the Rolls.

The Commons made Protestation, 'That they now 'were, and always have been, and will be, ready to 'aid the King with their Bodies and Goods, to the utmost of their Power; yet if the King had always had 'about him loyal Counsellors and good Officers, he 'had been now rich in Treasure, so that he should not 'have needed so much to have charged his Subjects with

A Protestation of the Commons against the Conduct of the King's Ministers.

[d] Rot. Par. 50 *Edw.* III. No. 2, 9, &c. *Walsingham*, p. 189.

K. *Edward* III. ‘ ſo great Subſidies, or Tallages, conſidering the vaſt
‘ Sums of Gold which were brought into the Kingdom
‘ for the Ranſom of the Kings of *France* and *Scotland*,
‘ and other Priſoners.’ It further ſeem’d to them, ‘ That,
‘ for the particular Profit and Advantage of ſome pri-
‘ vate Perſons about the King, and their Confederates,
‘ the Realm was much impoveriſhed, and many of the
‘ Merchants undone; wherefore they thought it very
‘ profitable to the King and his whole Kingdom, to have
‘ all theſe Things duly amended, ſo ſoon as might be.’
And farther the Commons promiſed the King, ‘ That,
‘ if he would do Juſtice and ſpeedy Execution upon ſuch
‘ as ſhould be found culpable, and proceed with them as
‘ Law and Reaſon required, they would undertake he
‘ ſhould be ſo rich as to be able to maintain his Wars,
‘ and ſupport his other Affairs for a long Time, without
‘ any great Charge to the Commons.’

They then propounded three eſpecial Points to be inquired into and amended.

[321] ‘ *Firſt*, Whereas the Staple of Wooll, and other
‘ Staple Merchandizes and Bullion, was lately ordain’d,
‘ in Parliament, to be at *Calais*, and no where elſe, for
‘ the great Profit of the King and Kingdom, the Advan-
‘ tage and Amendment of the Town, for the Concourſe
‘ of Merchants, and their continual Reſidence there; the
‘ ſaid Staple, Bullion, and Trade was removed from
‘ thence, and like to be loſt, by the Procurement and
‘ Counſel of the ſaid particular Perſons about the King,
‘ and their Confederates, for their own Profit, to the
‘ great Damage and Prejudice of the King and his
‘ Realm, and the Deſtruction of the Town of *Calais* [e].

‘ *Secondly*, Whereas the King had need of divers Sums
‘ of Money for his Wars and otherwiſe; ſome Perſons,
‘ by Conſent and Contrivance of the ſaid particular Per-
‘ ſons about him, made Agreement for divers Sums to
‘ the Uſe of the King upon Uſury, taking more from
‘ him for Intereſt than they bargained for, to the Deceit
‘ and grievous Damage of the King.

‘ *Thirdly*,

[e] In the Collection of *Public Acts* is the Order from the King and Parliament, for ſtrictly keeping the Staple at *Calais*, wherein theſe Commodities are mentioned to be exported thither from this Kingdom.

—— *Ordinaverimus quod Stapula noſtra Lanarum, Coriorum, et Pellium lanatarum, nec non Plumbi, Stanni, et Pannorum vocatorum* Worſtedes, *ac Caſei, Butiri, Plumæ, Gaulæ, Mellis, Felparæ, et Cepi.* Tom. VII. p. 118. *Anno* 1376.

'*Thirdly*, Whereas the King was Debtor to divers 'People upon Record in great Sums, several had, by Af- 'fent and Contrivance of the said Persons, bargain'd with 'his Creditors for the tenth, twentieth, or hundredth 'Penny; and procured the King to pay the whole Debt, 'in Deceit of the King and his Creditors, for the par- 'ticular Profit of themselves and Confederates.' K. *Edward* III.

Upon these Articles several were impeach'd by the Commons; as *Richard Lyon*, Merchant of *London* and Farmer of the King's Subsidy, and the Lord *Latimer* his Confederate, who were impriſon'd and disfranchis'd, and render'd incapable of bearing any Office under the King, or to approach his Council or Court, besides their Goods and Chattels being seized into the King's Hands. Impeachments in Consequence thereof.

The Commons farther petitioned, 'That Justices of 'the Peace might be named in every County by the 'Lords and Knights of the said County in Parliament, 'and sworn before the King's Council, and not to be 'removed without Consent of Parliament; and that they 'might be allowed reasonable Fees. The King's 'Answer was, 'They should be named by him and 'his continual Council; and as to Fees he would con- 'sider of it.' [322]

This Parliament sat, from the Time above-mention'd of their Meeting, to the 6th Day of *July* following: A longer Session than any we have yet met with; and really the Multiplicity of Business done in it, as in Impeachments, &c. besides the Petitions of the Commons, which of themselves amounted to 223 separate Articles, will make it a Matter of Wonder, now, how so much could be gone thro' in so little Time. Add to this, that the King falling sick at *Eltham*, the whole Parliament adjourn'd thither, where all the Petitions of the Commons were read and answered at that Place. And to shew that all the People of *England* were well pleased with the Proceedings of this Parliament, it was, for a long Time after, called the *Good Parliament* [f].

About this Time *Alice Pierce*, or *Perrers*, the King's Mistress, as she is call'd, had such an Ascendency over him, that she had the Assurance not only to intermeddle with public Affairs, but also to appear and sit in the Courts of Judicature, both Civil and Eccleſiastical, and publickly The Commons complain of the Influence of the King's Mistress in public Affairs.

[f] *Hollingshead*, p. 410; *Fabian*, 115; *Stowe*, 271.

K. *Edward* III. publickly defend thoſe Cauſes ſhe had undertaken to promote: And therefore, for the great Scandal and Reproach it caſt upon the King and his Government in foreign Countries, the Commons had particularly petitioned for her Removal from the King's Perſon, tho' it ſeems this Petition had no great Effect; for, not long after the Diſſolution of this Parliament, ſhe was again reſtored to the King's Favour, and to that Degree, as to be revenged upon her Enemies; for ſhe procured Sir *Peter de la Mare* to be committed cloſe Priſoner to *Nottingham* Caſtle, where he lay till the Beginning of the next Reign; and that for no other Reaſon, but becauſe he had ſpoke too freely againſt this *Alice Pierce* in the late Parliament [g].

This Year was deſigned to have been celebrated as another Year of Jubilee, by King *Edward*, being the 50th of his Reign [h]. But it proved far otherwiſe than a Jubilee to him, by the Death of his eldeſt Son *Edward* Prince of *Wales*, the greateſt and moſt ſucceſsful Warrior of the Age. He himſelf never ſaw another Year; and, being grown very old, and weak both in Body and Mind, *John* Duke of *Lancaſter*, now his eldeſt Son, governed both him and the Kingdom at his Pleaſure [i]. This Prince, being of a haughty and proud Diſpoſition, was no ways pleaſing to the Commons; and it is thought, by Hiſtorians, had an Eye to the Succeſſion after his Father's Deceaſe. Whether the old King ſuſpected this or not is uncertain; but, in Compliance with the Petition of all the Eſtates, in the laſt Parliament, he did, by his Letters Patent, immediately after create his Grandſon *Richard*, Prince of *Wales*, Duke of *Cornwall* and Earl of *Cheſter*, as his Father had been before him; upon which, ſays *Froiſart*, he declared to the Duke of *Lancaſter* and the reſt of his Sons, that Prince *Richard* was of Right to reign over them. Moreover, on *Chriſtmas-Day* following, the King dining in State, placed him at

The Death of *Edward* the *Black Prince*.

[323]

His Son *Richard* thereupon declared Heir Apparent.

[g] Sir *Peter de la Mare* was a *Herefordſhire* Gentleman, and Knight of the Shire for that County; but no Speaker of the Commons in this Parliament, as *Walſingham* and others after him relate.

[h] There is an Act of Grace paſſed this Year, called the *Jubilee*, in the *Statutes at large*, *An. Reg.* 50, and confirmed in the firſt of *Richard* II.

[i] Contrary to the Deſign of the laſt Parliament, who had provided, That, ſince the King, thro' Age and Weakneſs, was unable to govern, twelve of the moſt ſage and diſcreet Lords, ſix at a Time, ſhould diſpoſe of all National Affairs under him. *Kennet* in *Daniel*, p. 232.

at the Table above all his Sons, to shew them that he designed him for his Successor [k]. K. *Edward* III.

The late Truce being ended betwixt *France* and *England*, and the Government here having Notice of a Design forming against them by the *French* King, in order to invade *England*, and that he had made a fresh Alliance with *Castile* and *Scotland* for that Purpose, in order to prevent this, and to make all necessary Preparations for a War, the King issued out Writs for a Parliament to meet the 27th of *January* next coming, at *Westminster*. But the poor old King was then so indisposed as not to be able to appear; and a Commission was granted to *Richard* Prince of *Wales*, who was then about ten Years of Age, to hold the Parliament in his Stead [l].

At the Day of their Meeting, in the *Painted-Chamber*, the young Prince sitting in the King's own Seat, Dr. *Adam Houghton*, Bishop of *St. David's*, Lord-Chancellor, made a Speech to the Assembly, in the Nature of a Sermon, upon this strange Text, *Ye suffer Fools gladly, seeing that ye yourselves are Wise*. The Application he made of his Subject was, 'That they, being wise, desired to hear him who was the contrary;' he proceeded with Scripture, and said, 'That as a Messenger who 'bringeth joyful Tidings is welcome, so ought he to be 'now, since he brought them the joyful News of the 'King's happy Recovery from a dangerours Sickness.' From hence he took Occasion to argue, 'That God 'loved the King and the Realm; the King, because, '*Quos diligit castigat*, whom the Lord loveth he chastens; and further, from that of the Psalmist, *Uxor tua 'sicut Vitis abundans in Lateribus*, thy Wife shall be as 'the Anno Regni 51. 1377. At *Westminster*. [324]

[k] *Froissart*'s Words are these: *And after the Feast of St.* Michael, *when the Obsequy of the Prince was done and fynished, then the Kyng of* Englande *made to be knowen to his Sonnes, the Duke of* Lancastre, *the Erle of* Cambridge, *and to the Lord* Thomas, *the yongest, and to all Barons, Erles, Prelats, and Knightes of* Englande, *howe that the yonge* Richarde *shoulde be Kyng after his Discease: And so caused them all to swere solemly to maynteyne him; and on* Christmass-Day *the Kyng made hym to sytte at his Table above all his own Children, in great Estate; representyng that he shoulde be Kyng after his Discease. Froisart's Chronicle*, translated by Sir *John Bourchier*, Knight, *London* 1525, fol. cxcvi.

[l] This Commission to *Richard* Prince of *Wales*, called there *Filius noster carissimus*, is in *Rymer's Fœd.* Tom. VII. p. 134. *Dat. apud* Haveryng, [in *Essex*] *vicesimo sexto Die* Januarii.

K. *Edward* III. 'the fruitful Vine, *&c.* and from thence he ſhewed that 'no Chriſtian Prince could be ſo happy; which Happi-'neſs he exaggerated from another Quotation, *Ut videas* '*Filios Filiorum*, thou ſhalt ſee thy Children's Children; 'which the King now had the Pleaſure to ſee: That 'God lov'd the Realm he proved from the Recovery of 'ſo renown'd a Prince; the ſaid Recovery happening in 'the 50th Year of his Reign; the Year of Jubilee, the 'Year of Joy for his ſaid Recovery; of Joy, becauſe he 'would thereby impart unto his Subjects Bleſſings, as 'well ſpiritual as temporal, all bodily Comforts: Then 'from a Similitude, That although the Head be ſound, 'if ſome particular Member of the Body be diſeaſed, the 'ſame infected Part can receive no Virtue, Benefit, or 'Remedy from the Head; ſo he inferred that the King 'being now the ſound Head, and willing to ſhew Grace 'and Favour to his Subjects, they ought to qualify them-'ſelves a-right by approving their Loyalty ſound and 'uncorrupted; and therefore he perſuaded ſuch, as 'would be Partakers thereof, to conform themſelves, 'by having Love and Charity, without which he pro-'ved, by St. *Paul*, nothing would avail.'

After the Prelate had thus preached up Loyalty to the whole Audience, he addreſſed himſelf, particularly, to the Lords, and told them, 'what Reaſon they had to 'think the King lov'd them dearly, ſince, amongſt other 'gracious Tokens of his Good-will, he had, upon their [325] 'Requeſts, ſince the laſt Parliament, advanced the Lord '*Richard*, there preſent, to be Prince of *Wales*. Then 'he proceeded to ſhew what Cauſe they had to cheriſh 'the ſaid Prince, by offering unto him, as the Wiſe Men 'did to *Chriſt*, all Honour, by preſenting him Gold, in 'Token of Riches and Renown, and Myrrh, in Token 'of his honourable Sceptre; ſince even the Pagans were 'uſed to throw abroad Money at the Approach of any 'of their Princes.' He inſiſted, 'That the ſaid Prince 'ſhould, without all Rancour, be embraced with their 'Hands and Hearts, even as *Simeon* embraced *Chriſt*, 'becauſe their Eyes had now ſeen that which their Hearts 'had much longed for; that they ought to obey him as 'the Vicar and Legate of God, that they might ſee 'the true Peace of *Iſrael*, *viz.* here in *England*, the 'Inheritance of God; of which many Victories had 'aſſured

'assured him there was no small Hope[m].' Lastly, and which was much more to the Purpose, he declared the Cause of summoning this present Parliament to be, 'for that the *French* King, under Colour of the Truce, 'granted by the King at the Mediation of the Pope, yet 'enduring, had allied himself both to the *Spaniards* and '*Scots*, the King's Enemies, and had prepared great 'Quantities of Arms and powerful Armies, thereby 'conspiring to blot out the *English* Tongue and Name 'from under Heaven. In which Case the King requir'd 'their faithful Counsel, and he prayed them to consult 'together for that Purpose, that the King might have 'their Answer as soon as possible[n].' K. *Edward* III.

After the Lord-Chancellor had ended his long Harangue, which the Reader will find savours much of the Court-Sycophant, and of worshiping the rising Sun, he was seconded by Sir *Robert Ashton*, the King's Chamberlain[o], and Lord High Treasurer of *England*, who [326] said, 'That he had a particular Charge to move to them 'from the King, for the Profit of the Realm; that be-'cause divers Usurpations were by the See of *Rome* made 'upon the King, his Crown and Realm, as by par-'ticular Bill in this Parliament should be declared, he 'required them to seek Redress; yet the King at the 'same Time protested, that he was ready to do all that 'he ought to satisfy his Holiness about it.' And after the usual Form of receiving Petitions from the different Parts of the King's Dominions, and appointing the Tryers of them, the Commons were desired to repair to the Chapter-House of *Westminster* Abbey, there to treat and advise how a fitting Resistance might be made against the Enemies of the Nation, for the Safety of the King, Kingdom, Navy, and themselves; and how Money might be most speedily raised with the least Grievance of the People. Certain Lords, as before, were also named, from Time to Time, to confer with the Commons, for their better Direction and Information.

The

m *Vox Angeli ad Monachum Regni Statum deplorantem, ob extinctam Regiam Prosapiam*, Regnum *Anglorum* est Regnum Dei, Deus providebit pro suo Regno.

n Abridgment of the Records, *An.* 51 *Edw.* III. p. 144, *&c.*

o *Tyrrel* observes, that the Prelate had the Address to break off when the Usurpations of the *Pope* came in Question; and therefore this Part of the Harangue, relating to Papal Provisions, was left to be managed by a *Layman*.

K. *Edward* III. The Reſult of theſe Conſultations was, that, to maintain the King's Wars, and the great Charge he would be at for them, and the neceſſary Defence of the Kingdom, the Lords and Commons granted him 4 *d.* by way of Poll from every Perſon of the Kingdom, Male and Female, above fourteen Years of Age, except mere Beggars; and moſt humbly pray'd their Liege Lord, 'That he would pleaſe to excuſe them that they could 'grant him no greater Subſidy, being moſt willing to 'have done it; but that they were ſo impoveriſh'd of 'late by great Loſſes at Sea, and otherwiſe, that they 'were not able at preſent to do more.

A Poll-Tax granted.

And the Commons prayed the King, 'That he would 'pleaſe to name two Earls and two Barons for his Treaſurers, as well of this Subſidy, as of that the Clergy 'was yet to grant, and alſo of the late Subſidy on Woolls, 'Pells, and Leather, granted the laſt Parliament; and 'that they might be ſworn in their Preſence, that what 'was received by them ſhould wholly be expended upon 'the Wars, and not otherwiſe; and that the High Treaſurer of *England* ſhould receive nothing, or any ways 'meddle therein.

[327] But afterwards, when they had conſidered what Sum the Wages of ſuch four Treaſurers would amount unto by the Year, the Commons departed from this Requeſt, and prayed, 'That the High Treaſurer might be Re-'ceiver, to the Uſe of the War, in Manner accuſtom-'ed.'

The Commons, in this Parliament, farther beſought the King, 'That a Charter lately granted in the Great 'Council, to the Mayor, Aldermen, and Commons of 'the City of *London*, upon the Article, *That no foreign* 'Merchant *ought to ſell to another ſtrange Merchant* 'any Goods or Merchandize, *to ſell again, in Manner as* 'in the ſaid Patent is more fully contained, might be 'renewed and granted, as well to other Cities and Boroughs, as to them, with a Charter, or Clauſe of 'Confirmation.'

Petitions of the Commons.

The Anſwer to which was no more than, that *The King will be farther informed.* Which ſhews that, for ſome Reaſons, he did not think fit, then, farther to confirm it.

At

At the same Time the Commons, with the Mayor, Aldermen, and Commonalty of the City of *London*, petition'd the King, 'That whereas divers Mischiefs 'often happen'd in the said City, by reason the Co- 'roner was not punishable by the Mayor, Aldermen, 'and other Officers; that they might chuse a Coroner 'of themselves, and remove him when they pleas'd, 'as it was practised in divers Cities and Towns of the 'Land, they answering to the King in Manner as ap- 'pertain'd to the said Office.' The King's Answer was, *The King will not depart from his antient Rights.* K. *Edward* III.

And they farther petitioned in this Case, 'That all 'Provisors of Benefices from *Rome*, with their Officers 'or Servants, may be put out of the King's Protec- 'tion, if they sue, prosecute, or any ways disturb, or 'cause to be excommunicated, the true Patrons.' The Answer was, *The Pope had promised Redress, and if he makes it not, the Laws in this Case shall be in Force.*

The Commons also prayed, 'That whereas, in the 'last Parliament, by untrue Suggestions, and without 'due Process, the Lord *Latimer*, one of the Peers of [328] 'the Realm, and sufficient to be of the King's Coun- 'cil, as well for his Wars as otherwise, was ousted of 'all his Offices, and discharged from the King's Privy 'Council; that he may, by Award of this present 'Parliament, be restored to his former Estate and De- 'gree, to the great Profit of the Kingdom.' Accordingly the Sentence against him and *Alice Pierce*, and several others who had been impeached, was revers'd [p].

The Award of the last Parliament against several Persons, revers'd in this.

Notwithstanding what the prelatical Orator delivered to the Parliament about the King's Recovery, 'tis plain, from the Record, that he still lay sick at *Shene*, in *Surrey*; and that on the 22d Day of *February*, when other Business was done, certain of the Bishops and Lords, with the Chancellor, Treasurer, Keeper of the Privy Seal, and all the Judges, were commanded to attend the King at that Place; where, in his Presence, and before the Duke of *Lancaster* and others of his Council, the Articles of a General Pardon and Grace, which the King had granted to all his Subjects, were rehearsed. After which the further

[p] *Tyrrel*, upon this Occasion, remarks, That even in these early Times one Parliament often acquitted those whom a former had condemn'd. See before, p. 342.

K. *Edward* III. further Petitions of the Commons were read, and answered by the King; which were also, the next Day, read publickly before both Houses, and so ended this Parliament.

But, before we take a final Leave of this great King and the Parliaments called in his Time, we shall give what Mr. *Prynne* (the Publisher of what is commonly called *Cotton*'s *Abridgment*) has added as a Remark of his own, of which he desires the Reader to take Notice: 'The Prelates, Dukes, Earls, Barons, Commons, 'Citizens, Burgesses, and Merchants of *England*, in 'this Parliament, petition the King, not only *For a* The Parliament petition the King that no Tax may be imposed but by common Assent in full Parliament. '*Pardon in general, and of all Fines and Amerciaments* 'before the *Justices of the Peace, not yet levied in special*; 'which this Abridgment only toucheth, but they likewise 'subjoin thereto this memorable Request (totally omitted 'by the Abridger) which I thought meet here to sup- 'ply [q], *That in Time to come your said Prelates, Earls,* 'Barons, *Commons, Citizens and Burgesses of your Realm* 'of England, *may not be henceforth charged, molested, nor* 'grieved to make any common Aid, or sustain any Charge, 'unless it be by common Assent of the Prelates, Dukes, 'Lords, and Barons, and other People of the Commons 'of your Realm of *England*, and that in full Parliament; 'nor no Imposition put upon their Woolls, Wooll-fells, 'and Leather, or any the antient Custom; *That is to* 'say, *of one Sack of Wooll Half a Mark, and of three* 'Hundred Wooll-fells Half a Mark; *and of one Last of* 'Skins one Mark of Custom only, *according to the Statute* 'made the 14th Year of your Reign; *saving to you the* 'Subsidy granted unto you the last Parliament for a certain 'Time, *and not yet levied.*

To which last Clause the King then gave this Answer: [329] 'As to the Clause, That no Charge be laid upon the 'People without the Commons' Assent; the King is 'not at all willing to do it, without great Necessity, and 'for the Defence of the Realm, and where he may do 'it with Reason. And as to the Clause, That Impo- 'sitions be not laid upon their Woolls without Assent 'of the Prelates, Dukes, Earls, Barons, and other 'People of the Commons of this Realm, there is a Sta- 'tute

[q] From the Parliament-Roll at large of 51 *Edward* III. N°. 25.

'tute already made, which the King wills that it ſhould 'ſtand in Force.' K. *Edward* III.

Another Affair, which we muſt not omit, is, That this is the firſt Parliament in which we find a Speaker of the Houſe of Commons expreſly named as ſuch; and here Sir *Thomas de Hungerford*, Knt. was appointed Speaker by the Evidence of the Record itſelf[r]. There is no Doubt to be made but that, in former Parliaments, and perhaps in all ever ſince the Commons were call'd to ſit there, a public Orator, or one that was choſen by the reſt to deliver their Petitions to the King, was elected; but no one is particularized in the Records, for having that Office, before the laſt-named Gentleman; tho', for the future, the Records go very regularly on in giving us their Names, even down to the preſent Times.

Sir THOMAS DE HUNGERFORD firſt Speaker of the Houſe of Commons on Record.

We have now brought our Parliamentary Inquiries to the Period of this King's Reign, who died the 21ſt Day of *June*, this very Year 1377, in the 65th Year of his Age, and in the 51ſt of his Reign. We ſhall not attempt his Character: Let the more general Hiſtorians ſpeak it. We ſhall only remark, that the conſtant good Underſtanding which he ever kept up with his Parliaments, thro' the whole Courſe of a very long Reign, is a ſure and certain Proof, that his Conduct was very acceptable to his People[s].

The Death of *Edward* III.

TAXES *in this King's Time.*

IN his ſixth Year he had granted him a Fifteenth from the Counties, and a Tenth from the Cities and Boroughs, for one Year[t].

Taxes granted in his Reign.

In his eighth Year he had the ſame, and a Tenth granted by the Clergy[t].

In his tenth Year he had the ſame Tax from the Laity and a Sixth from the Clergy[t].

In

r Called in the Record, *Monſieur* Thomas de Hungerford, *Chevalier, qui avoit les Paroles pur les Communes* d'Angleterre *en ceſt Parlement*, &c. Rot. Parl. 51 *Edw.* III. N°. 87.

s This King built the Chapel of St. *Stephen*'s, in the Palace of *Weſtminſter*, and made it a College. At the Reformation it was diſſolved, and has been ever ſince made Uſe of as the Houſe for the Commons to meet in.

t *Thomas Wykes.*

K. *Edward* III. In his eleventh Year he had a Three-years Tenth given him by the Clergy in Convocation, a Three-years Tenth given him by the Citizens and Burgeſſes in Parliament; and alſo a Three years Fifteenth, to maintain the War then begun with *France*, and to pay the *Germans*, *Brabanters*, and other Confederates on the Borders of *Germany*, againſt the King of *France* [w].

[330]

The next Year, in order to carry on the War againſt *France* the more vigorouſly, the Laity gave the King one Half of their Woolls, *&c.* [x].

In his thirteenth Year the Great Men gave him the tenth Sheaf of all Manner of Grain of their Demeſne Lands, except of their Bond Tenants, with the tenth Fleece and the tenth Lamb [y]: Then a Parliament was ſummoned to meet eight Days after St. *Hilary*, or 20th of *January*, in which the Commons gave the King 30,000 Sacks of Wooll [z].

In his fourteenth Year the Prelates, Earls, Barons, for themſelves and their Tenants, the Knights of Counties for themſelves and the Commons of the Land, granted to the King the ninth Sheaf, Fleece, and Lamb; but the Cities and Burgeſſes gave the Ninth of all their Goods, according to the true Value, for two Years next coming; and thoſe that lived not in Cities and Boroughs, nor lived upon Tillage or Shop-Trades, paid the fifteenth Part of all their Goods, according to the true Value [a]. Upon the King's writing to the Parliament for ſpeedy Supply, ſeeing the Ninths could not be levied Time enough for his Service, the Lords and Commons agreed to have 20,000 Sacks of Wooll ſpeedily provided.

The Clergy, in their Convocation, *October* 1, this Year, granted a triennial Tenth, and that the firſt Year ſhould be paid in much leſs Time than uſual [b].

In his fifteenth Year the Ninths were revoked, in reſpect of this Grant of 20,000 Sacks of Wooll [c].

In his eighteenth Year the Clergy of the Province of *Canterbury* granted a Three-years Tenth, and the Knights of Counties gave two Fifteenths, and two Tenths of Cities

[w] *Ad. Mur. ad Annum* 1337.
[x] See p. 348.
[y] Rot. Parl. 13 *Edward* III. Part I. N°. 5.
[z] *Ibid.* Part II. N°. 5, 6, 7.
[a] *Ibid.* 14 *Edward* III. Part I. N°. 5, 6, 7.
[b] *Ibid.* Part II. N°. 9, 10. *Knyghton*, col. 2576.
[c] *Ibid.* 15 *Edward* III. N°. 5, 6.

Cities and Boroughs; and afterwards the Commons granted another Fifteenth. The Lords promiſed to go with the King in Perſon, and therefore gave nothing [a]. K. Edward III.

In his twentieth Year the Commons granted two Fifteenths, to be levied in two Years, in Cities, Boroughs, and antient Demeſnes, as alſo of the Commons of the Counties; ſo that, if within that Time the *French* War ſhould ceaſe, the latter Fifteenth ſhould ceaſe alſo [b].

In his two-and-twentieth Year the Commons granted three Fifteenths, to be levied in three Years, ſo as one Fifteenth was to be levied in each Year, and no more [c]. [331]

In his five and ſix and twentieth Years the Great Men of the Realm and the Commonalty granted the King three Tenths, and three Fifteenths, to be paid in three Years [d].

In his ſeven-and-twentieth Year the King made it his Requeſt, That the Prelates, Great Men, and Commons, would grant him the Subſidy of Wooll-fells and Leather, for ſome Time; to which Prayer they unanimouſly conſented, and granted that Subſidy in Manner as it had been received before that Time for three Years to come [e].

In his nine-and-twentieth Year the Commons came into the Preſence of the King, Prelates, and Great Men, aſſembled in the *White Chamber*, and having there a ſhort Conference with the Great Men, granted unanimouſly the Subſidy on Wooll, Leather, and Wooll-fells for ſix Years next coming, 50*s.* on each Sack, ſo as, during that Time, no other Impoſitions or Charges be put upon the ſaid Commons [f].

In his thirty-ſixth Year the Great Men and Commons granted unto the King, of every Sack of Wooll tranſported, 20*s.* of every three hundred Wooll-fells, 20*s.* and of every Laſt of Leather, 40*s.* beſides the antient Cuſtom of Half a Mark a Sack of all Denizens, and 10*s.* for Strangers; Half a Mark for every three

[a] Rot. Parl. 18 *Edw.* III. N°. 9, 10.
[b] *Ibid.* 21 *Edw.* III. N°. 11.
[c] *Ibid.* 22 *Edw.* III. N°. 4.
[d] *Ibid.* 26 *Edw.* III. Part I. N°. 9, 10.
[e] *Ibid.* 27 *Edw.* III. N°. 31.
[f] *Ibid.* 29 *Edw.* III. N°. 11.

K. *Edward* III. hundred Wooll-fells of Denizens, and 10*s.* of Strangers; and one Mark for every Laſt of Leather of Denizens, and 20*s.* of Strangers, for three Years [g].

In his forty-ſecond Year the Prelates and Great Men, having had full Deliberation with the Commons, granted the Subſidy on Wooll, Wooll-fells, and Leather, for two Years; of every Sack of Wooll, and every twelve
[332] Score of Wooll-fells, 36*s.* 8*d.* of every Laſt of Leather, 4*l.* beſides the antient Cuſtoms as before [h].

In his forty-third Year the Lords and Commons granted to him the Subſidy as above for three Years; of every Sack of Wooll, 43*s.* 4*d.* which paſſed beyond Sea; of every twelve Score of Wooll-fells as much; and of every Laſt of Leather, 4*l.* beſides the antient Cuſtom; of Strangers, for every Sack of Wooll, four Marks; of every twelve Score of Wooll-fells, four Marks; and of every Laſt of Leather, eight Marks, beſides the antient Cuſtom [i].

In his forty-fifth Year the Great Men and Commons granted a Subſidy of 50,000*l.* to be levied of every Pariſh of the Land 22*s.* 3*d.* ſo as the Pariſhes of greater Value ſhould contribute rateably to thoſe of leſs Value [k]. This 22*s.* 3*d.* anſwered not the Sum of 50,000*l.* and therefore not long after, at *Wincheſter*, the Great Men and Commons granted 110*s.* out of every Pariſh, the 22*s.* 3*d.* being comprized in it; ſo as the Pariſhes of greater Value ſhould contribute to thoſe of leſs [l].

The Clergy alſo gave the King a Tax of 50,000*l.* on their Body, to which Rate even Chantry Prieſts were not ſpared [m].

In his forty-ſixth Year the Lords and Commons granted for two Years the Subſidy on Wooll, Leather, and Wooll-fells, as it was granted in the 43d Year [n]. And for that this Subſidy proved not ſufficient for the King's Expences, they granted a Fifteenth for one Year, to be levied as the laſt was [o]. Beſides this, the Citizens and Burgeſſes in this Parliament, for the ſafe convoying of

g Rot. Parl. 36 *Edw.* III. N°. 35.
h *Ibid.* 42 *Edw.* III. N°. 9.
i *Ibid.* 43 *Edw.* III. N°. 9, 10.
k *Ibid.* 45 *Edw.* III. N°. 6.
l *Ibid.* N°. 10, 11.
m See p. 306, 7, 326, 7.
n Rot. Parl. 46 *Edw.* III. N°. 10.
o *Ibid.* N°. 11.

of their Ships and Goods, granted 2*s.* upon every Tun of Wine, and 6*d.* in the Pound on all Goods for a Year [o]. K. *Edward* III.

In his forty-ſeventh Year the Lords and Commons granted a Fifteenth, as it had been in antient Manner levied, for two Years; they alſo gave Tonnage and Poundage for two Years, as it was given the laſt Year, of all Merchandizes exported and imported, except of Wooll, Wooll-fells, and Leather, and then granted the Subſidy of them for the next Year coming [p]. [333]

In his fiftieth Year the Lords and Commons granted the Subſidy on Wooll, Leather, and Wooll-fells, for three Years, as it had been granted in his 47th Year [q].

In his fifty-firſt Year the Lords and Commons granted him 4*d.* of every Perſon of the Kingdom, Males and Females, above the Age of fourteen Years, except very Beggars; and then they deſired to be excuſed that they could give no greater Subſidy, becauſe of their preſent grievous Neceſſities [r].

Notwithſtanding theſe great and numerous Taxations on the Public, in this King's Time, by reaſon of his almoſt continual Wars, his Treaſury was ſo much exhauſted, that he was driven to ſuch Neceſſity as to pawn his Crown thrice; firſt, in his 17th Year, beyond the Seas; again, in his 24th, to Sir *John Weſtenham*, his Merchant; and in his 30th to the ſame Perſon, in whoſe Hands it then lay eight Years [s].

In the 28th Year of *Edward* III.	*l.*	*s.*	*d.*
Exports from *England* were	294,184	17	2
Imports —— ——	38,970	13	8
Balance [t] —— ——	255,214	13	8

Towards forming ſome Idea of the Amount of theſe Subſidies, we ſhall exhibit the following Account of the Price of Proviſions in this King's Reign.

In the Year 1326, 1 *Edward* III. at *Tunbridge* in *Kent*, ſeventy Acres of Arable Land was worth 35*s. per Annum*. Twelve Hens, at 1*s.* 6*d.* One Cock and thirteen Price of Proviſions in the Reign of *Edward* III.

o Rot. Parl. N°. 14, 15.
p *Ibid.* 47 *Edw.* III. N°. 5.
q *Ibid.* 50 *Edw.* III. N°. 9.
r *Ibid.* 51 *Edw.* III. N°. 19.
s *Campbell's Lives of the Admirals*, Vol. I. p. 220.
t *Idem*, Vol. I. p. 250 and 251 for the Particulars.

K. *Edward* III. thirteen Hens, at 1*s.* 7*d.* Eight Porkers and a Half, at 15*s.* Eighty Acres of Arable, at 20*s.* or 3*d.* *per* Acre. Twenty Acres of Paſture, each at 1*d.* Fourteen Acres of Meadow, each at 4*d.* Eighteen Acres of Arable, each at 3*d.* Twenty-ſeven Acres of Arable, each at 4*d.* Two Acres of Meadow, each at 10*d.* A Cock 1*d.* Three Hens 4½*d.* From hence we may ſee that we can make no certain Computation from the Rate of Acres, becauſe of the Difference of the Ground [w].

In 1336 there was ſuch Plenty of Corn and Scarcity of Money, ſays *Knyghton*, that Wheat was ſold at *London*, by the Quarter, at 2*s.* A fat Ox, at 6*s.* 8*d.* And, *Fabian* adds, for a fat Sheep 6*d.* and at moſt 8*d.* Six Pigeons 1*d.* A fat Gooſe, at 2*d.* A Pig 1*d.* And all other Victuals after the ſame Rate, occaſioned by the King's gathering up all the Money he could get, to carry on his Wars in *France* and *Scotland*.

[334] In 1338 Wheat ſold, *per* Quarter, at 3*s.* 4*d.* Barley, at 10*d.* Peaſe and Beans, the Quarter, at 1*s.* Oats, the Quarter, at 10*d.*

In 1339 ſeveral Undertakers promiſed to deliver at the Town of *Berwick*, and in *Leith* Road, 10,000 Quarters of Wheat and Malt, each Quarter at 9*s.* Oats, Beans, and Peaſe, each Quarter at 5*s.* This was a high Price [x]; for an old Hiſtorian tells us that this ſame Year a Quarter of Wheat was ſold for 40*d.* and ſometimes leſs; Barley, 10*d.* Beans and Peaſe, at 12*d.* and Oats, at 10*d.* But the Conveyance raiſed the Price [y].

In 1343 two Oxen, Price of each 8*s.*

In 1344 one Cow ſold at 5*s.* [z].

In 1348, in the Time of the Peſtilence, Things were ſold almoſt for nothing. A Horſe worth 40*s.* was ſold for 6*s.* 8*d.* A good fat Ox at 4*s.* A Cow at 1*s.* An Heifer, or Steer, at 6*d.* A fat Mutton, at 4*d.* An Ewe, at 3*d.* A Lamb, at 2*d.* A Hog, at 5*d.* A Stone of Wooll, at 9*d.* The Hiſtorian ſays they were not only afraid of the Cattles' dying, but of their own; for otherwiſe Wooll need not have been ſo cheap [a].

In

w *Lambard's Perambulation of Kent*, p. 541.
x *Abridgement of the Records.*
y *Henry Knyghton*, col. 2573.
z Bp. *Kennet's Paroch. Antiquit.*
a *Henry Knyghton*, col. 2599.

In 1349 Corn was so plentiful, and other Provisions, that Wheat was sold, by the Quarter, at 2*s*. A fat Ox at *London*, for 6*s*. 8*d*.[a] K. *Edward* III.

In 1359 Wheat very dear; a Quarter, says *Fabian*, was sold at 1*l*. 6*s*. 8*d*.

In 1361 Wheat so cheap, that a Quarter was sold at 2*s*. Two Hens for 1*d*.[b]

In 1363 a Widow paid four Hens, or in Money 4*d*. Twelve Hogs at 18*s*. each Hog at 1*s*. 6*d*[c]. Yet Wheat was so dear, says *Walsingham*, that a Quarter was sold at 15*s*.[d]

In 1369, *Walsingham* says, there was such a Dearth, that Wheat was sold at 1*l*. 4*s*. According to *Stowe*, at 1*l*. Barley at 16*s*. 4*d*. Oats at 8*s*.

RICHARD the Second began his Reign *June* 21, in the Year 1377, he being then eleven Years of Age, and, on *July* 16, was solemnly crowned at *Westminster*. This Prince was the Son of *Edward* the *Black Prince*, and was born at *Bourdeaux* in *France*, 1366; his Mother was *Joan*, Daughter of the Earl of *Kent*, call'd, for her exquisite Beauty, *The fair Maid of* Kent. The young King's Uncles were, at that Time, *John* of *Gaunt*, Duke of *Lancaster*; *Edmond* of *Langley*, Earl of *Cambridge*, and afterwards Duke of *York*; and *Thomas* of *Woodstock*, afterwards Duke of *Glocester*, all the late King's Sons then living. But of these the Duke of *Lancaster* was the Chief; who, as he had managed the Government during the Incapacity of the old King, hoped, by proper Measures, to continue the same Sway in the Minority of the present. K. *Richard* II. [335]

On the 4th of *August*, the same Year, Writs were issued out for the calling a Parliament to meet fifteen Days after *Michaelmas*. A Parliament called upon his Accession to the Crown.

a *Antiq. Britan.*
b *Dugdale's Monast.* Vol. II.
c Bp. *Kennet's Paroch. Antiquit.*
See also Bp. *Fleetwood's Chronicon Pretiosum*,
d See p. 295, 315, Note k.

K. *Richard* II. *The following were the Peers summoned to this first Parliament* [d].

Anno Regni 1 1377.

At *Westminster.*

JOHN King of *Castile* and *Leon*, Duke of *Lancaster*, *&c.*
Edmond Earl of *Cambridge*,
Richard Earl of *Arundele*,
Thomas of *Woodstock*, Earl of *Buckingham* and Constable of *England*.
Edward Mortimer, Earl of *March*,
Thomas Beauchamp, Earl of *Warwick*,
Hugh Earl of *Stafford*,
Gilbert Umfreville, Earl of *Angus*,
William Ufford, Earl of *Suffolk*,
William Montacute, Earl of *Salisbury*,
Henry Percy, Earl of *Northumberland*,
John Mowbray, Earl of *Nottingham*,
Guischard Earl of *Huntingdon*,
Lord *James Audley*, of *Heleigh*,
Lord *William Latimer*,
Lord *William Bardolf*, of *Wormegah*,
Lord *Ralph Basset*, of *Draiton*,
Lord *Guy de Brian*,
Lord *Roger de Beauchamp*,
Lord *John de Clinton*,
Lord *Gilbert Talbot*,
Lord *William de Bortreaux*,
Lord *John de la Ware*,
Lord *Henry Scrope*,
Lord *John Nevile*, of *Raby*,
Lord *John Ferrars*, of *Groby*,
Lord *Thomas Roos*, of *Hamlake*,
Lord *Richard de Stafford*,
Lord *John Grey*, of *Codenore*,
Lord *Henry Grey*, of *Wilton*
Lord *Reginald Grey*, of *Ruthin*,
Lord *Nicholas Burnel*,
Lord *William le Zouch*, *de Harringworth*,
Lord *Roger Clifford*,
Lord *Almaric*, *de St Amand*,
Lord *John de Botefort*,
Lord *John Lovel*,
Lord *Roger Scales*,
Lord *Ralph Crombwell*,
Lord *Michael*, *de la Pole*, Admiral of the Northern Sea-Ports,
Lord *Peter de Mauley*,
Ralph Baron *Greystock*,
Lord *Walter Fitz-Walter*,
Lord *Robert Ferrars*, of *Wemme*,
Lord *Robert de Harrington*,
Lord *William Morley*,
Lord *William de Furnival*,
Lord *William de Aldburgh*,
Lord *John Cobham*, *de Kent*,
Lord *Hugh de Dacre*,
Lord *Robert Willoughby*,
Lord *John de Welles*,
Lord *John de Clifton*,
Lord *Roger le Strange*, *de Knocking*,
Lord *Maurice*, *de Berkley*,
Lord *John de Arundele*,

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Lord

[d] *Abridgement of Parliamentary Records*, p. 153.

Lord *Warrin, de Liſle,*
Lord *Henry Fitzhugh,*
Lord *Richard de Scrope,*
Lord *Philip de Darcy,*

Edmond Earl of *Cambridge* as Lord Warden of the *Cinque Ports.* K. *Richard* II.

The Cauſe of the Summons was declared by the Archbiſhop of *Canterbury* [e], in a Speech conformable to the Sanctity of his Calling, beginning with this Text, *Rex tuus venit tibi.* Which Subject he divided into three Parts, ſaying, 'That for three Cauſes every Friend 'ought to be welcome to another. Firſt, If he came to 'rejoice or be merry with his Friend for any ſingular 'Benefit or good Hap that had befallen him; and 'therefore made Uſe of this odd Expreſſion, for a Male 'Friend, *Et exultavit Infans in Utero ejus.* The next 'was, If the ſaid Friend came to comfort another in 'Adverſity, as is mentioned in the Book of *Job.* And 'the laſt, For trying his Friend in the Time of Adver-'ſity, according to the Scripture, *In Neceſſitate proba-'bitur Amicus.*

To this Preface he applied, 'That the King, their [337] 'undoubted Liege Lord, was now come unto them, not 'for one, but for all the three Cauſes. For the firſt, 'To rejoice with them in the great Providence and 'Grace of God, by ſending his Perſon amongſt them; 'not by any collateral Means or Election, but by ſpecial 'Deſcent of Inheritance [f], and for their Good-wills 'towards him, he was therefore come to give them 'Thanks. For the ſecond, To viſit and comfort him 'in their Neceſſities and Adverſities, he was alſo come, 'not only for the Death of the Noble King *Edward* 'and the Prince his Son, but alſo for the great Loſſes 'which they had ſuſtained on the Sea-Coaſts, and elſe-'where within the Realm, by their Enemies. Where-'unto he now was come, not only to proffer himſelf 'in Aid, but to confirm all their Liberties; to maintain 'the Laws and Peace of the Kingdom, and to redreſs 'all that was to the contrary. Thirdly, To try or 'aſſay them, he was alſo come to adviſe and counſel 'with them for ſuppreſſing the Enemy; and to require 'an Aid of them, without which he could not perform

'the

[e] *Simon Sudbury.*

[f] *Nemye par Election, ne par autre tielle collateralle voie, mais par droite* Succeſſion de Heritage, *&c.*

K. *Richard* II. 'the ſame. For all which Reaſons he deſired them to 'conſult together.

Then came on the uſual Forms of Parliament, in appointing of Receivers for Petitions for *England*, *Ireland*, *Wales*, and *Scotland*; with thoſe of *Gaſcoigny* and the Iſles. And the next Day, being again aſſembled, Sir *Richard le Scrope*, Steward of the King's Houſhold, rehearſed what the Archbiſhop had ſaid before, and, by the King's Command, told the Commons, 'That he deſired 'they would adviſe him which Way his and the King-'dom's Enemies might be reſiſted, and how the Ex-'pences of ſuch Reſiſtance was to be borne with the 'greateſt Eaſe to the People, Profit and Honour to the 'Kingdom.'

'The Commons hereupon prayed the King, 'That, 'for the great Importance of the Charge given them, 'in theſe Declarations, and for the Weakneſs of their 'Abilities to adviſe the beſt[g], he would be pleaſed to 'let certain Prelates and Lords be joined with them in 'Conſultation on ſuch weighty Affairs, for the more [338] 'ſpeedy and happy Diſpatch of the Buſineſs wherewith 'they were charged,' and named the Duke of *Lancaſter*, the Biſhops of *London*, *Ely*, *Rocheſter*, and *Carliſle*; the Earls of *March*, *Arundele*, *Warwick*, and *Angus*; the Lord *Nevile*, Sir *Henry de Scrope*, Sir *Richard le Scrope*, and Sir *Richard de Stafford*; which was accordingly granted by the King in Parliament.

The Duke of *Lancaſter*, the King's Uncle, complains of the Commons having aſperſed his Character.

Upon this the Duke of *Lancaſter* immediately aroſe from his Place, and, falling upon his Knees before the King, humbly prayed his Majeſty to hear him a little in a weighty Cauſe which greatly concerned himſelf; and ſaid, 'That though the Commons had cho-'ſen him for one of the Lords to commune with them 'on the Matters in the Charge, yet he deſired his Ma-'jeſty to excuſe him, for that the Commons had ſpo-'ken ill of him; urging, that he had committed ma-'nifeſt Treaſon, if their Report, which God forbid, 'was true. That he had been always careful to guard 'himſelf againſt any ſuch Imputations, as it was no-'toriouſly known that none of his Anceſtors, of one 'Side or other, was ever a Traitor, but always firm 'and

[g] *Par l'ardvite de lour Charge, et le Feebleſſee de lours Peairs et ſens*, Rot. Parl. 1 *Rich.* II. No. 11.

'and loyal, as it was a marvellous Thing he ſhould 'deviate from the Line, ſince he had more to loſe 'than any other Man in the Kingdom: That if any 'Man, of what Eſtate and Condition ſoever he was, 'ſhould be ſo bold as to lay Treaſon, or other Diſloy- 'alty to his Charge, or any other Thing done by him 'prejudicial to the Kingdom, he was ready to defend 'himſelf by his Body, or otherwiſe, as the King and 'Lords ſhould award, as if he was the pooreſt Knight 'Batchelor of the Realm. K. *Richard* II.

The Duke having ended his Speech, the Biſhops and all the Lords ſtood up, and with one Voice deſired and prayed him that he would leave off ſuch Diſcourſes, for they thought no Man living would ſay any ſuch Things of him. The Commons alſo ſaid, in their own Defence, 'That it was apparent and notorious 'they thought him free from all Blame and Defamation, 'and had given an evident Proof of it in chuſing 'him to be their principal Aider, Comforter, and Coun- 'ſellor in this Parliament; praying, with one Voice, to 'have themſelves cleared from ſuch Reports.' Debate thereupon.

The Duke replied again, 'That the Words had 'been long, tho' falſely, ſpread about the Kingdom; 'and that he wondered much how any Man could or 'would begin, or continue ſuch Slanders, for the Diſ- 'grace and Danger that might from thence enſue. 'Becauſe the firſt Inventor of ſuch Speeches, by which 'Debate might ariſe between the King and the Peers 'of the Land, was a manifeſt Traitor; ſince ſuch 'Debates might turn to the Deſtruction of the whole 'Kingdom. He therefore prayed that a good Act, or 'Ordinance, might be provided in this Parliament, and 'a juſt and ſpeedy Puniſhment aſſigned to all the In- 'ventors of ſuch evil Reports, for the preventing the 'Danger of them for the Time to come: And as to 'himſelf, he declared that for what was paſt all ſhould 'be forgiven.' [339]

After theſe Altercations were thus ended, the Commons went upon Buſineſs; and Sir *Peter de la Mare*[h], Knight

h Called, in the *Records*, Monſieur *Peres de la Mare*. This Sir *Pierce*, or *Peter de la Mare*, had been releaſed ſome Time before out of *Nottingham* Caſtle, after a long Confinement, for ſpeaking his Mind too freely in the laſt Reign in Parliament, againſt *Alice Pierce*, *Edward* the Third's Miſtreſs. *Stowe's Chron.* p. 278. See before, p. 322, 343.

K. *Richard* II. Knight of the Shire for *Herefordſhire*, being choſen Speaker of the Commons, made a Proteſtation and ſaid, 'That what he had to declare was from their whole 'Body; and therefore required that if he ſhould happen 'to ſpeak any Thing without their Conſents, that it 'ought to be amended before his Departure from the 'ſaid Place. He commended the Feats of Chivalry here- 'tofore practiſed, for which this Nation was ſo renown 'ed; and ſaid that, by the Decay of the ſame, the 'Honour of the Realm did and would daily decreaſe. 'That whereas Merchants were Maſters of their own 'Ships, and had the free Diſpoſition of them, yet, for- 'merly, one Town had more good Ships than the 'whole Nation at this Time.' He therefore prayed 'that, 'Becauſe the King was then very young and of 'tender Age, for the Amendment of ſeveral Errors in 'the Government, and the Preſervation of the Realm, 'which was at that Time in greater Danger than ever, 'the King and Lords of Parliament would conſider 'more eſpecially of three Things;

The Commons elect Sir PETER DE LA MARE as their Speaker, who, in their Name, propoſes ſeveral Regulations in the Government.

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'*Firſt*, That they would in that Parliament name and 'appoint ſeven ſufficient Perſons[1], of the different Eſtates, 'to be continual Counſellors to the King for the Affairs 'of the Realm, along with the King's other State Offi- 'cers; and that they might be ſuch Perſons as beſt 'knew how to avert impending Dangers, and would 'diligently attend to their Charge, for the good Go- 'vernment and Preſervation of the Realm; and that 'the Commons might know the Names of thoſe Coun- 'ſellors, who alſo might be the Agents and Directors 'of what Money was to be given for the Wars.

'*Secondly*, That they would pleaſe to name and 'appoint thoſe that were to be about the King's Per- 'ſon, who were to be Men of virtuous and honeſt 'Converſation, that they might educate him according- 'ly; and that the Charge of the King's Houſhold might 'be borne by the Revenues of the Crown, ſo that what 'was granted to the Wars might be expended that 'Way only.

'*Thirdly*, That the common Law and other Sta- 'tutes and Ordinances of the Land might be obſerved, 'ratified, and confirmed, and the People governed by 'them;

[1] *Sept ſuffiſante Perſons.* Record.

'them; and that they might not be defeated by the 'Singularity of any about the King; saving, however, 'in all Things, the Regalities and Dignity of the King, 'to which the Commons would have no Prejudice done 'any Way by their Demands. K. *Richard* II.

The Answer which was given to these Petitions was, 'That the Prelates and Lords would advise together,' commanding the Commons, in the mean while, to return to their Places.

The first Request of the Commons being recited before the King and Lords, was by them granted; yet so as the Chancellor, Treasurer, and Keeper of the Privy-Seal, Justices of one Bench and the other, and all other Officers of the Realm, might execute their Offices, without the Presence of those Counsellors, who, by Advice of the Lords, were then appointed to be nine in Number, *viz.* the Bishops of *London*, *Carlisle*, and *Salisbury*, the Earls of *March* and *Stafford*, Sir *Richard de Stafford*, and Sir *Henry le Scrope*, Bannerets; Sir *John Devereux*, and Sir *Hugh Segrave*, Knights Batchelors; who, being thus chosen in Council for this Year, were sworn before the King himself to do what they were chosen for, in the Presence of divers Lords in Parliament. [341]

A Council appointed during the King's Minority.

As to the second Request, for the naming and assigning such as should be about the King's Person, the Lords of Parliament answer'd, 'That it seemed to them, for many Causes, too heavy and hard a Request[k] to place any Person about the King that should not be acceptable to him; or to remove any Officer, or Servant, if it were not by his express Will, and for some notable Fault to be proved against such Officers and Servants; wherefore the Lords would not willingly meddle with these Matters.

To the other Part of this Request the Lords answered, 'That they would take good Deliberation, and speak with the Great Officers of the King's Household about it; and if, by their Advice, it could be done, saving the State and Honour of the King, what they desired should be performed.'

As for the third Petition, it seemed reasonable to all the Lords that it should be granted.

Then

k *Trop Chargeant & dure Requeste.* Record.

K. *Richard* II.

Then the Lords and Commons, (perceiving the imminent Danger the Nation was in, by reaſon of the great Wars both by Sea and Land) for the Defence of the Kingdom, and Reſiſtance of its great Enemies, granted the King two Fifteenths without Cities and Boroughs, and two Tenths within Cities and Boroughs, for two Years; praying the King, that as well the Money of the ſaid Tenths and Fifteenths, as the Tenths granted by the Clergy, and Money of the Subſidy of Wooll, might be in the Keeping of eſpecial Treaſurers by his own Appointment, which were *William Walworth* and *John Philpot*, Merchants of *London*, who were to give an Account of their Receipts and Diſburſements, in Manner as the King and Council ſhould order.

A Subſidy granted.

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In this Parliament *Alice Pierce*, or, as in the Record, *Alice Perriers*, the late King's Miſtreſs, was brought before the Lords, and accuſed of procuring a Pardon for *Richard Lyon*, (who, in the 50th Year of *Edward* III. had been convicted of embezzling the Public Money) and other high Crimes, of which being found guilty, ſhe was ſentenced to be baniſhed, and her Eſtates confiſcated: But with this Proviſo, 'That this Law, par-'ticularly made for the Prevention of ſuch odious 'Things, ſhould not be made uſe of, nor drawn into 'Example, againſt any other Perſon, or in any other 'Caſe whatſoever.' [a]

The late King's Miſtreſs ſentenced to be baniſhed.

A ſaving Clauſe in it.

There were alſo ſeveral other Petitions in this Parliament; the moſt remarkable of which were theſe:

Petitions of the Commons.

The Commons prayed, 'That becauſe the late 'King *Edward* was guided by evil Counſellors, as had 'been authentickly proved, that they might be re-'moved from all the King's Councils; and that other 'fit Perſons might be put in their Places; and further, 'that no Officers of the King's Court, great or ſmall, 'do keep up Quarrels or Suits in the Country by 'Maintenance, nor meddle with any Thing but what 'belongs to their Office.'

As to the firſt Requeſt, the King granted it; and as to the ſecond, touching Maintenance, he further inforced it; by ſtrictly forbidding any Counſellor, Officer, or other Servant, or others belonging to him, in the Kingdom, to uphold any Quarrel or Suit by Main-

[a] *A nulle autre Perſone, ne en nul autre Cas quiconque.* Rot. Parl.

Maintenance, under Pain of losing their Offices and Services, and to be imprisoned, and ransomed at the King's Pleasure. K. *Richard* II.

Another Petition was, 'That, during the King's Minority, the Chancellor, High-Treasurer, Chief Justices of one Bench and the other, the Chief Baron of the Exchequer, the Steward and Treasurer of the Household, the Chief Chamberlain and Clerk of the Privy-Seal, the Wardens of the Forests on this Side *Trent* and beyond, might be made by Parliament; and if it should happen that any of these Ministers or Officers should be laid aside between one Parliament and another, that then another be put in his Place, by the King's Council, until the next Parliament should meet.'

This Petition was likewise granted in Part, that [343] while the King was under Age, the Counsellors, Chancellor, Steward of the Household, and Chamberlain, should be all chosen by the Lords in Parliament, saving always the Estate and Heritage of the Earl of *Oxford*, to the Office of Chamberlain; and as to the other Officers above-named, the King should make them by the Assent of his Council.

Then the Citizens of *London* desired, 'That upon the King's special Grace, and for the Enlargement of the Franchises of their City, if any Article in the Charter granted by him and his Progenitors, to the said Citizens, should prove difficult or doubtful, and might be taken in divers Senses, that then the Sense they claimed to have it in should be allowed.'

To this the Answer was, 'That the Interpretation of the King's Charters belong'd to him; and if any Doubt arose thereupon, the King, by Advice of his Council, would make such Interpretation as should be according to Reason and good Faith.'

Dr. *Brady* has added another Demand of the Commons, and tho' Mr *Tyrrel* has strictly copied all the rest, yet he has omitted this, for what Reason we know not; for it is evident thereby what Thoughts the People of *England* had of the great Use of frequent Parliaments in those Days. The Doctor's Translation of the Petition is as follows:

The Commons pray further, 'That a Parliament may be holden in a convenient Place once a Year, to redress

K. *Richard* II. ‘ redreſs Delays in Suits, and to end ſuch Cauſes where-
‘ in the Judges were of different Opinions.

To which they had this Anſwer, ‘ The Statutes made
‘ for that Purpoſe ſhall be obſerved and kept; and as to
‘ the Place where the Parliament ſhall be holden, the
‘ King will have the Choice.’

[344] This Parliament continued from *October* the 13th to the 28th of *November*, in all 47 Days: When the King gave Thanks to the Lords and Commons for their Expedition in granting the Subſidy; and deſiring the Knights, Citizens, and Burgeſſes to ſue out Writs for their Expences, he diſſolved the Parliament. [b]

Anno Regni 1. 1378. At *Weſtminſter.* On the 16th of *February*, in the next Year, but which, according to the Calculation of our Lawyers, is ſtill in the firſt of this King [c], Writs were iſſued out to call a new Parliament to meet at *Weſtminſter*, 15 Days after *Eaſter*, or *April* 25. At the Day appointed, the Duke of *Lancaſter*, with ſeveral Biſhops and Lords, came to the Palace at *Weſtminſter*, and attended the King's coming for a long Time; but ſome Sheriffs having not yet made their Returns, the Parliament was adjourned to next Day, by open Proclamation made in the Hall for that Purpoſe. And, for the ſame Reaſon, on that Day it was put off to the following.

On which Day, being *April* 27, Sir *Richard le Scrope*, Lord-Chancellor, opened the Seſſion with a Speech to this Purport. ‘ Firſt, That the King deſired the Li-
‘ berty

[b] In a ſhort Hiſtory of the Life and Reign of King *Richard* II. in the Title ſaid to be wrote *by a Perſon of Quality*, 8vo, *London*, 1681, p. 5, the Author obſerves that the Grants above, of Money, were given, ‘ On
‘ Condition that the King, for the future, ſhould not burden them with
‘ more Requeſts of that Kind to draw away his Subjects' Money, but
‘ would live on his Demeſnes and continue his War, for that his own pro-
‘ per Royal Revenues were ſufficient both to maintain his Court and car-
‘ ry on his Wars, if the ſame were but managed by fit and truſty Mini-
‘ ſters.’

N. B. This Hiſtory, tho' printed ſo lately as 1681, is not taken Notice of by Archbiſhop *Nicholſon* in his *Eng. Hiſt. Library*.

[c] Mr *Collier* ſuppoſes that the Year was now changed from *Chriſtmas* to *Lady-Day*; becauſe, ſays he, *Richard* II. began to reign in *June* 1377, and if the Year had begun either at *Chriſtmas* or *January* 1, this Parliament muſt have been held in the Year 1378; whereas the *Statute Book* tells us expreſly it was held *Anno primo* Rich. II. and in the Year 1377. But, if it had been put there 1378, it is ſtill in the firſt of this King till *June* 21, the Day he began his Reign. *Collier's Eccleſiaſtical Hiſt.* Book VI. p. 568.

'berty of the Church might be maintained. Next, that K. *Richard* II.
'at the End of the laſt Parliament, his Majeſty, accord-
'ing to their Requeſt, had elected ſeveral Lords, and
'others, to be of his continual Council; but, by rea-
'ſon of the ſudden breaking up of that Parliament, he
'was not adviſed what Number they would have cho-
'ſen of the latter; yet, what were being ſworn, they,
'with the Lords, conſulted about the Affairs of the
'Realm, and the great Danger it was in; and con- [345]
'ſidering the great Charges neceſſary to ſupport it, they
'would not fully determine without the Advice of Par-
'liament. However, they agreed to prepare a Land-
'Army and a Navy of Ships, and lent the King great
'Sums of Money to that Purpoſe. Which Navy and
'Army his Majeſty had prepared, and by that Means
'was become indebted to them, and to ſeveral good
'Cities and Towns for the ſame Loan: Therefore he
'deſired the Lords and Commons, ſeparately, to weigh
'well the Neceſſities of the Nation, and to provide ac-
'cordingly; and not to wonder at the ſudden Calling of
'this Parliament, conſidering that it was done for the
'King's Honour and the Safety of the Realm.' The
Chancellor concluded with ſaying, 'That for the Ex-
'pences borne and to be borne, the Treaſurers of the
'ſame were ready, and ſhould be ready, to exhibit
'their Accounts.

The Lords and Commons taking into Conſideration the dangerous State of the Nation, at this Criſis, from the Malice of its Enemies, both of *France* and elſewhere, and the great Neceſſities of the Kingdom, to raiſe Monies to be able to withſtand them; firſt, agreed that the Mark laid upon every Sack of Wooll, and the Six-Pence in the Pound for all Merchandize, which was given in the laſt Parliament, ſhould be remitted; and, in Lieu thereof, they granted the old Subſidy on Wooll, as it was before that Parliament, for one Year from *Michaelmas* next. They likewiſe granted a certain Poll-Tax, to be paid by Perſons of different Sexes, Ranks, Eſtates, and Degrees in the Kingdom; which being a Tax quite new, and the Act itſelf expreſſing, very particularly, what Sum each Man or Woman ſhould pay, as well as the ſeveral Qualities and Conditions of the whole *Engliſh* Nation, in thoſe Days, we ſhall give at length, A Poll-Tax granted.

K. *Richard* II. Length, as tranſlated from the original *French*; and we are perſuaded it cannot be unacceptable to a curious Reader. [d]

[346] After the Recital, in the Act, of what is mentioned before, the Particulars of this Capitation-Tax begin with

The Dukes of *Lancaſter* and *Bretaigne*, each ten Marks. [e]

Alſo every Earl of *England* 4 *l.*

The Counteſſes, who were Widows, the ſame as the Earls, 4 *l.*

Every Baron, Banneret, or Knight, who had as good an Eſtate as the Barons, 40 *s.*

Every Baroneſs, who is a Widow, as a Baron; and a Bannereſs as a Banneret, 40 *s.*

Every Batchelor and every Eſquire, who by Eſtate ought to be made a Knight, 20 *s.*

Every Widow that was the Wife of a Batchelor, or Eſquire, 20 *s.*

Every Eſquire of leſs Eſtate, 6 *s.* 8 *d.*

Every Woman, Widow of ſuch an Eſquire, or ſufficient Merchant, 6 *s.* 8 *d.*

Every Eſquire without Poſſeſſions, Lands, Rents, or Goods, that is in Service, or bears Arms, 3 *s.* 4 *d.*

The Chief Prior of the Hoſpital of St. *John*, as a Baron, 40 *s.*

Every Commander of the ſame Order of *England*, as a Batchelor, 20 *s.*

Every other Brother, Knight of the ſame Order, 13 *s.* 4 *d.*

All other Brothers of the ſame Order, as an Eſquire without Poſſeſſions, 3 *s.* 4 *d.*

Every Juſtice, as well of the one Bench as of the other, and the Chief Baron of the Exchequer, each 100 *s.*

Every Serjeant and great Apprentice of the Law, 40 *s.*

Other

[d] A Poll-Tax of 4 *d.* a Head on all Perſons, Men or Women, above the Age of fourteen, Beggars excepted, had been granted the laſt Year of the late King; but we do not find it was ever levied. See *Abridg.* p. 145, No. 29.

[e] Mr. *Tyrrel* has been guilty of a great Miſtake here in copying Dr. *Brady*, for he tells us that the two Dukes paid ten Pounds a Piece as Dukes, and ten Marks each as Barons, which was not ſo; the *French* Account ſets them at ten Marks each, and the Doctor only aſſigns the ſame Sum to them in his *Engliſh* Tranſlation. *Tyrrel*'s Hiſt. Vol. III. p. 847.

[f] The Duke of *Bretaigne*, in *France*, was *John Mountfort*.

K. *Richard* II.

Other Apprentices which follow the Law, 20 *s.*

All other Apprentices of leſs Eſtate, and Attorneys, each 6 *s.* 8 *d.*

The Mayor of *London* ſhall pay as an Earl, 4 *l.*

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The Aldermen of *London*, each as a Baron, 40 *s.*

All other Mayors of great Towns in *England*, each as a Baron, 40 *s.*

Other Mayors of ſmaller Towns, according to the Value of their Eſtate, 20 *s.* 10 *s.* or 6 *s.* 8 *d.*

And all Jurats of good Towns, and great Merchants of the Realm, ſhall pay as Batchelors, each 20 *s.*

Other ſufficient Merchants, 8 *s.* 4 *d.*

All leſſer Merchants, and Artificers, Huſbandmen, or who live upon Tillage according to the Value of their Eſtate, 4 *s.* 8 *d.* 3 *s.* 4 *d.* 2 *s.* 1 *s.* or 6 *d.*

Every Serjeant and Freeman of the Country, according to their Eſtate, 6 *s.* 8 *d.* or 40 *d.*

The Farmers of Manors, Parſonages, and Granges, Merchants of Beaſts, and other Buyers and Sellers, according to their Eſtate, 6 *s.* 8 *d.* 40 *d.* 2 *s.* or 12 *d.*

All Advocates, Notaries, and Proctors, who are married, ſhall pay as Serjeants of the Law, and Apprentices of the Law, and Attorneys, each according to their Eſtate, 40 *s.* 20 *s.* or 6 *s.* 8 *d.*

Apparitors that are married, according to their Eſtate, 3 *s.* 4 *d.* 2 *s.* or 12 *d.*

All Inn-keepers that have not the Eſtate of a Merchant, ſhall pay according to his Eſtate, 40 *d.* 2 *s.* or 12 *d.*

Every married Man, for himſelf and his Wife, that have not the Eſtates above-named, and above the Age of ſixteen, except very Beggars, 4 *d.*

And every Man and Woman unmarried, of ſuch an Eſtate, and above the Age aforeſaid, 4 *d.*

Alſo every ſtrange Merchant, of what Condition ſoever, ſhall pay according to his Ability, as other Denizens.

Walſingham and *Knyghton*[f] alſo tell us, That the Clergy were not exempt from this Tax, but, according to their own Cuſtom, taxed themſelves very high, *viz.* every Archbiſhop, Biſhop, and Mitred Abbot, as much as a

[f] *Sub hoc Anno.* The Clergy, *Walſingham* writes, were taxed, according to their Abilities, down to *Simplex Capellanus*, a Chantry-Prieſt.

K. *Richard* II. [348]

a Baron; every Abbot was to pay forty Pence for each Monk in his Monaſtery; and the Beneficed Clergy ſix Shillings and Eight-pence. All which together muſt needs amount to a vaſt Sum, tho' how it was diſpoſed of is hard to tell; for we do not find that the warlike Preparations, at that Time, either by Sea or Land, were any ways adequate to ſo great a Tax [g].

Anno Regni 2. 1378.

At *Glouceſter*.

Another Parliament was ſummoned to meet the ſame Year, but now the ſecond of this King, on the 20th of *October*, at *Glouceſter* [h]. *Tyrrel* ſuppoſes that this Place was pitched upon, becauſe the Duke of *Lancaſter* had been greatly diſpleaſed with the *Londoners*; but tho' this Parliament met on the Day appointed, yet no Buſineſs was begun 'till the Day following. When, being all aſſembled, the King, with his three Uncles, of *Lancaſter*, *Cambridge*, and *Buckingham*, the two Archbiſhops, Prelates, Lords, and Commons, in the Great Hall of the Abbey of *Glouceſter*, which, as the Record ſays, was fitted up, apparelled, and adorned, for that Purpoſe, the Biſhop of *St. Davids'*, then Lord Chancellor [i], declared the Cauſe of the Summons to be,

'*Firſt*, For the Liberties of the Church, the Main-'tenance of the Laws and Obſervations of the Peace. '*Next*, Becauſe it had been enacted, that a Parliament 'ſhould be holden *once a Year* [k]. *Thirdly*, Becauſe that 'his Majeſty deſired to ſee and conſult with ſo honour-'able an Aſſembly, as was there gathered in God's 'Name, and he commended Unity and Concord a-'mongſt them according to the Reſemblance of the 'Church. Another great Cauſe was, that the King, 'being left in the Midſt of great Wars, could neither 'endure

[g] The Noble Hiſtorian, before quoted, ſays that the Privileges of the *Sanctuary* at *Weſtminſter* were regulated in this Parliament; for whereas, before, a great Number of Perſons, when they got in Debt, would ſhelter themſelves and waſte, in Revelling and Debaucheries, their Revenues, which could not be touched for their juſt Debts, to the great Prejudice of their Creditors; it was ordained, that if, upon Proclamation made, they ſhould not ſurrender themſelves, then their Goods ſhould be ſold and their Lands extended, wherever found, 'till their Debts were ſatisfied. *The Life and Reign of* Richard II. *by a Perſon of Quality*. p. 2. See alſo *Sam. Daniel* in *Kennet*'s Hiſt. of *England*, p. 242.

[h] It may be diſputed whether this Parliament was a new one, or only a Prorogation of the laſt; becauſe, on the Rolls, this is called *Par ſecundo*.

[i] Dr. *Adam Houghton*. Le Neve's *Faſti Ecc. Ang.*

[k] *Serroit tenuz Chacun An.* Record.

'endure nor maintain the ſame without their Aid and K. *Richard* II.
'Aſſiſtance. That ſince the great Miſchief and Da-
'mage done by the *Scots*, about *Roxborough*, tho' the
'Truce ſtill ſubſiſted, they had allied themſelves with
'*France* againſt *England*, in order to annoy us: All
'which required their utmoſt Conſideration to prevent. [349]
'He reminded them of two Evils, Firſt, That the Law
'of the Land and the Law of Arms do not concur to-
'gether; and, with certain Similitudes, required them,
'of thoſe two Laws, to make a Relative, ſo as each
'may ſtand with the other. The next was to provide
'a Remedy againſt Back-biters [1], Slanderers, and Sow-
'ers of Diſcord between Nobles, Gentlemen, and Neigh-
'bours; which Kind of Men he reſembled to Dogs
'that devour raw Fleſh, ſince they eat and conſume
'living Men. For all which Enormities he wiſhed
'them to ſeek Redreſs; and to be there the next Day
'by Eight o'Clock, to hear further Declarations; and
'directed the Commons to conſult in the Chapter-Houſe
'of the Abbey aforeſaid [m].'

The next Day Sir *Richard le Scrope*, then Steward of the Houſhold, enlarged upon the Cauſes of calling this Parliament, and, excuſing his own Inability, told the Prelates, Lords, and Commons, as the Chancellor had ſaid, 'That the Nation was encompaſſed with
'Enemies, which daily increaſed. That the Ports of
'*Cherburgh* and *Breſt*, which of a long Time had been
'in the Hands of the *Engliſh*, beſides, *Calais*, *Bour-*
'*deaux*, and *Bayonne*, with the adjacent Territories,
'were very chargeable to maintain, ſince *Calais*, with
'its Marches or Limits about it, ſtood the King to more
'than 24,000 *l.* every Year, *Breſt* 12,000 Marks, and
'the other three Places according to the ſame Rate.'

We now come to the third Inſtance on Record, where a Speaker of the Houſe of Commons is expreſly named as ſuch, and recognized by the King in ſomewhat the ſame Form as is done at this Day: For immediately after the Chancellor and Sir *Richard le Scrope* [350]
had ended their Harangues, Sir *James Pickering*, having been elected Speaker of the Houſe of Commons, came Sir JAMES PICKERING choſen Speaker;

[1] This Word is not *French*, being called *Backbyters* in the Record.
[m] *Le Maiſon de Chapetre de le Grant Cloyſtre de ceſte Abbay.*

K. *Richard* II. with the whole Body of them before the King, Prelates, and Lords, in Parliament, and there made Proteſtation, as well for the whole Commons of *England*, as for himſelf, to this Effect,

His Proteſtation, First, *If he ſhould utter any Thing to the Prejudice, Damage, Slander, or Diſgrace of the King or his Crown, or in leſſening the Honour or Eſtates of the great Lords, it might not be taken Notice of by the King; and that the Lords would paſs it by, as if nothing had been ſaid*[n]; *for the Commons highly deſired to maintain the Honour and Eſtate of the King, and the Rights of the Crown, as alſo to preſerve the Reverence due to the Lords in all Points. Then, as for his own Perſon, he made Proteſtation, that if, by Indiſcretion, he ſpoke any Thing by common Aſſent of his Fellow Members, it might, either then or afterwards, be amended by them.*

He then rehearſed, briefly, the Articles given them in Charge: 'And firſt, as to the Liberties and Fran-'chiſes granted to Holy Church, and for the King's 'Promiſe of entirely preſerving the good Laws and 'Cuſtoms of his Kingdom, and puniſhing ſuch as ſhould 'act againſt them; the Commons humbly thanked him 'with their whole Hearts, kneeling upon the Ground, 'and praying God they might be put in due Execution.

'That, as to the Aid the King demanded of his Com-'mons for the Defence and Safety of his Kingdom, and 'for the Safeguard of his Lordſhips, Lands, Towns, and 'Forts beyond Sea, and toward his Wars, the Com-'mons ſaid, That in the laſt Parliament, in his firſt [351] 'Year, the ſame Things were ſhewn unto them in Be-'half of the King, at which Time they anſwer'd, it was 'apparent the King had not ſo great Need for an Aid, And Remon-ſtrance upon the State of the Na-tion. 'ſeeing he had in his Hands the Priories Alien, the Sub-'ſidies of Wooll, the Revenues of the Crown, the Lands 'of the Prince his Father, and many other great Lord-'ſhips, by the Non-age of the Heirs of them; and that

'there-

[n] *Et primerment, pur la dite Commune, que ſi per cas il y diſt Choſes que purroit ſoner en Prejudice Damage. Eſclander, ou Villaine de noſtre Seigneur le Roy, ou de ſa Corone, ou en Anientiſement del Honor et Eſtate des Grants, Seigneurs du Roialm, que ce ne ſoit accepter par le Roy, et les Seigneurs eins tenuz pur nul, come Rein nen eſte dit.* Rot. Parl. 2 *Rich.* II. No. 16.

This is the firſt Proteſtation of the Speaker of the Houſe of Commons, that is on Record.

'therefore they ſtill conceiv'd there muſt be great Plenty K. *Richard* II.
'of Money in the Treaſury [o].'

To this the King's Council in Parliament then anſwered, 'That the late Charge of the Coronation had 'been very great, and that the Money upon thoſe Funds 'they mentioned came in very ſlowly, nor could they be 'collected ſoon enough for an Expedition that Year; and 'it was then further propoſed, That if the Commons 'would furniſh the King with a great Sum of Money 'to make ſuch an Expedition as might be for the De'ſtruction of his Enemies, they (the Council) hoped 'he might have ſufficient hereafter, from Time to Time, 'to maintain the War, and defend the Kingdom with'out them.'

To this the Commons replied, 'That, in Hopes of 'that Promiſe to be diſcharged of all Tallages for a long 'Time, they had granted a greater Sum than had ever 'been given to any King to be levied in ſo ſhort a Time; 'and that, all Things conſider'd, it ſeem'd to the Com'mons that there muſt needs be a great Sum in the 'Treaſury, beſides what had been expended in the laſt 'Voyage; ſo that the King had no Need to charge the 'Commons, who were in a lower Condition than ever, 'by reaſon of that Payment, and alſo by the Murrain 'among their Cattle, and their Enemy's Burnings and 'Depredations upon the Sea-Coaſts; that their Corn 'and Cattle were at ſo low a Rate, that no Money 'could be raiſed at preſent; whereupon they prayed the 'King to excuſe them, as not being able to bear any 'further Charge of mere Poverty.

To all which Sir *Richard le Scrope* replied, by making Proteſtation, 'That he knew of no ſuch Promiſe 'made by the King in the laſt Parliament; and ſaving 'the Honour and Reverence due to the King and Lords, 'what the Commons ſaid was not true[p]; and as to the [352]
'Subſidy laſt granted, that a great Part of it was ſtill 'in the Treaſury; to wit, of the two Fifteenths and 'two Tenths: But as to the Wooll that had been gi'ven in that Parliament, he vouched the Teſtimony of '*William Walworth* and *John Philpot*, who, by their 'Conſent, were appointed Receivers of the ſame, that

[o] *Bien grante Plente de Monoye en le Treſorie.* Record.
[p] *Ne contient le Verité.* Ibid.

K. *Richard* II. ‘ every Penny thereof was expended upon the War, and ‘ that none of it came to the High-Treaſurer of *England*, ‘ or any other, to the Uſe of the King: That the Re- ‘ venues of the Crown, conſidering the Annuities and ‘ other Charges upon them, granted by his Father and ‘ Grandfather, were ſo ſmall, that, without the Cuſtoms ‘ of Wooll, and Lands of the Priors Aliens, the Ho- ‘ nour and Eſtate of the King could not be maintained; ‘ and therefore they were to know that, according to ‘ Reaſon, they ought to relinquiſh their Complaint.

Whereupon the Commons, after a ſhort Deliberation, made it their Requeſt to the King, ‘ That he ‘ would pleaſe to ſhew them how, and in what Manner ‘ the great Sums given for the War had been expended; ‘ and alſo that he would pleaſe to let them know the ‘ Names of ſuch as ſhould be the Great Officers of the ‘ Kingdom, and who were to be his Counſellors and ‘ Governors of his Perſon (being yet of tender Age) ‘ for the next Year, as it had been before ordained in ‘ Parliament.

To which it was anſwered on Behalf of the King, by the ſaid Sir *Richard*, ‘ That tho’ there never was any ‘ Account yet given of Subſidies, or any other Grants ‘ made in Parliament, or out of Parliament, to the ‘ Commons, or any other, but to the King and his Of- ‘ ficers; yet that the King willed and commanded of ‘ his own Motion, to pleaſe the Commons, (not that it ‘ was of Right for him ſo to do, or that he was obliged ‘ to it, only by reaſon of the Requeſt now made) that ‘ *William Walworth*, then preſent, with ſome of his ‘ Council, aſſigned thereunto by him, ſhould, in Wri- ‘ ting, clearly ſhew them the Receipts and Expences, ‘ ſo as it ſhould not be drawn into an Example for the ‘ future.

‘ As to the Officers, the King had cauſed them to be
[353] ‘ choſen by the Advice of the Lords; and as to his ‘ Counſellors, they ſhould be ſuch as pleaſed him, whoſe ‘ Names he would ſhortly give them in Writing.

‘ That the King not only commanded them, but all ‘ the Lords there preſent deſired, that having due Con- ‘ ſideration of the great and apparent Dangers on all ‘ Sides, they would provide for the Defence of the ‘ Kingdom; which not only concerned the King, but

all

'all and every one of them, and therefore to consider how the War might be maintained; and that they would give as speedy an Answer as they could, that this Parliament might have an End, and a good Effect, for the Ease of the King, the Lords, and themselves, as also for the Profit of the Kingdom, and Discharge of the poor Commons, their Constituents, who, every Day, paid their Expences during the Parliament. This was one of the principal Charges given the first Day: Another was, 'That if any Fault was found in any Part of the Kingdom, or Government, in the Laws, or any other Manner, that they would bring in their Petitions concerning it, and they should have due Remedy. K. *Richard* II.

Then the Commons desired 'To have a Time limited to bring in their common Bills, or Petitions; and that it might be prolonged to the Feast of *All-Souls* next coming. Petitions of the Commons, and the Answers.

Also the Commons prayed the King 'To have a Copy of the Enrolment of the Subsidy of Fifteenths and Tenths, as they had been entered upon the Roll of Parliament, for them to advise upon; and this was granted at the King's Pleasure, and not upon their Request.

They prayed likewise, 'That five or six Prelates and Lords might come to the Commons, to treat with them about their Charge; but the Lords answered, 'They neither ought, nor would do it in that Manner, which had never been seen but in the three last Parliaments; for the Custom was for the Lords to chuse a small Number of six or ten, and the Commons as many of themselves, to treat together without Noise; and then report what they had done to their Companions, of one Part, and the other; and according to this Method the Lords would act, and no otherwise. To this the Commons assented to proceed as had antiently been used. [354]

After the Commons had seen and examined the Enrolment, Receipts, and Expences, they were well satisfied with them, as being honourable for the King and Kingdom; and only said, 'That 46,000 *l.* which was 'expended in keeping several Countries, Places, and 'Fortresses, as the Marches of *Calais*, *Brest*, and *Cherburgh*,

K. *Richard* II. ‘ *burgh*, *Gascoigny*, and *Ireland*, was not to be charged ‘ upon them; nor, as it seemed to them, were they bound ‘ to bear any foreign Charge.

To which it was answered by the King's Council, ‘ That *Gascoigny* and the Forts beyond Sea were *Barbi-* ‘ *cans*[q], and as it were Out-works and Defences to ‘ *England*; and if they were well guarded, and the Sea ‘ well kept, the Kingdom would be quiet, otherwise it ‘ could not be so.

The Commons then proposed ‘ That this Charge be ‘ defrayed by the Goods and Estate of King *Edward* III. ‘ which the King possessed, and was much enrich- ‘ ed by it.’ Whereto it was answered, ‘ That those ‘ Goods were justly appraised, and delivered to those his ‘ Grandfather was indebted, except some Necessaries ‘ reserved for his own House, for which he had paid in ‘ Part, and was to pay in whole for the Satisfaction of ‘ his Creditors:’ And therefore the King commanded, and the Prelates and Lords prayed them as they had done before, ‘ To advise about their Charge, and give ‘ good and effectual Answers thereunto, with as much ‘ Haste as might be, for the common Profit of the King- ‘ dom, and Ease of the Lords and themselves.’

A Subsidy granted.

We have not before met with so great and so many Disputes and Altercations, between the King's Ministry and the Commons, about granting a Subsidy; however, they all agreed upon it, at last; and, notwithstanding all their Excuses, the Prelates, Lords, and Commons, perceiving the great Perils wherewith the Land was encompassed, and the great and extraordinary Expences the King was to be at for the Safety and Defence thereof, agreed and granted the King the former Subsidy of Wooll, Leather, and Wooll-fells, for three Years, *viz.* of Wooll 43 *s.* 4 *d.* the Sack; and of Wooll-fells as much; that is, for every two hundred and forty of each, accounting six score to the Hundred; as also for Leather 4 *l.* 6 *s.* 8 *d.* on every Last which should be exported by Denizens and Strangers, besides the antient Custom; and, as an additional Grant, they gave 13 *s.* 4 *d.* more for every Sack of Wooll; as much for every two hundred and

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[q] *Ita in Orig. Barbican* is a Watch-Tower, Bulwark, or Breast-Work. *Cowell's* Law Dict.

and forty Wooll-fells; and for every Laſt of Leather, 1 *l.* 6 *s.* 8 *d.* Alſo they gave 6 *d.* in the Pound for every Pound Value of Merchandize, as well of Denizens as Strangers, both imported and exported, for one Year. K. *Richard* II.

Laſtly, the Commons prayed the King, 'That good 'and ſufficient Perſons might be appointed to be Trea-'ſurers of the Monies raiſed by theſe Grants, in the Man-'ner as it heretofore has been done by Parliament; and 'alſo that he would, for the Love of God, excuſe his 'poor Commons that they could not at preſent grant 'him a greater Aid; for that they had been much 'weakened and impoveriſhed, as well by Peſtilence as 'by the Wars; their Cattle had been deſtroyed by the 'Murrain; the Corn and other Fruits of the Earth had 'in Part failed, and what was got would not give any 'Price; yet, ſuch was the Good-will they bore to their 'Sovereign Lord, that they ſhould be ready to ſerve 'him, when required, as well in Perſon as otherways.'

Many other Tranſactions paſſed in this Parliament, which are too long to inſert; we ſhall only take Notice of two, which are, firſt, Sir *William Windſor* and *Alice* his Wife, formerly *Alice Perriers*, or *Alice Pierce*, petitioned the King and Parliament, That the Judgment againſt her, given in the laſt, might be revoked, and they authorized to purſue the Reverſal of it, by their Attornies, in due Form. *Granted.*

The next was, That it ſeems, at this Time, there was a terrible Schiſm in the Church of *Rome*, and two Popes were elected to ſit in the Papal Chair, *Urban* VI. and *Clement* VII. It being then more for the Intereſt of this Kingdom to ſide with the former than the latter, as may be ſeen in our larger Hiſtorians, it was enacted in this Parliament, That Pope *Urban* was the true and lawful Pope duly elected; and that the Benefices of all ſuch Cardinals and others, who were Rebels to the ſaid Pope, ſhould be ſeized into the King's Hands, and he to be anſwerable for the Profits thereof: And that whoſoever, within this Realm, ſhould procure or obtain any Proviſion, or other Inſtrument, from any other Pope than the ſaid *Urban*, ſhall be out of the King's Protection, and his Goods and Chattels ſeized on as forfeited [r]. As this is the firſt Inſtance, ſo we preſume it will be the laſt,

[r] Rot. Parl. 2 *Rich.* II. Pars ſecunda, N°. 36 et 78.

K. *Richard* II. laſt, that ever the Election of a Pope of *Rome* ſhall be recognized and declared lawful by an *Engliſh* Parliament.

Anno Regni 3. 1380. At *Weſtminſter.*

Writs for a new Parliament went out, dated the 20th of *October* this Year, to meet on the 14th of *January* next, being the *Monday* after the Feaſt of St. *Hilary*, at *Weſtminſter*[s]: But, by reaſon of the great Rains that had fallen, ſeveral Lords were not yet come up, nor ſeveral Sheriffs returned their Writs; whereupon the Parliament was adjourned to the next Day: On which, the King, Biſhops, Lords, and Commons, being aſſembled in the *Painted Chamber*[t], the Knights, Citizens, and Burgeſſes were called over; and then Sir *Richard le Scrope*, Chancellor of *England*, by the King's Command, declared the Cauſe of the Summons to this Effect[u]:

'*Firſt*, For the Liberties of the Church, the Maintenance of Laws, and Preſervation of the Peace. *Next*, 'Becauſe the Regality of the King's Crown was much 'impaired, in ſeveral Inſtances, as well by the Court 'of *Rome* as otherways; and therefore the Proviſions 'made for ſupporting it ought to be well obſerved, and 'other Remedies provided for that Purpoſe. *Thirdly*, 'To conſult how to reſiſt not only the Enemies of '*France*, *Spain*, and *Scotland*, who had raiſed hot Wars 'againſt us, but alſo to ſuppreſs the Rebels of *Ireland* 'and *Gaſcoigny*, and how to defend the King's Dominions beyond Sea. All which, becauſe they could 'not be accompliſhed without their Aid, he deſired they 'would conſult about and adviſe accordingly.' He further told them, [356] 'That the Grant made by them at *Glou-* '*ceſter*, of the new Increaſe of Woolls, and Six-pence 'in the Pound on Merchandize, which had been revoked in the next Parliament, on the Grant of the Poll-'Tax, and which was promiſed to be able to raiſe '20,000 armed Men and as many Archers, had fallen 'ſhort; for the Charge of thoſe Soldiers came to 50,000*l.* 'beſides other Expences there declared; for all which the

[s] See the Liſt of the Peers ſummoned to this Parliament in *Cotton's Abridgement*, p. 181.

[t] *Chambre de Pinct.*

[u] He begins his Speech, *Mes Seigneurs, les Prelates, Ducs, Countes, et Barons, et vous mes Sires de la Commune d'Angleterre, &c.* Rot. Parl. 3 *Rich.* II. N°. 2.

'the King ſtood indebted; whereof he willed them to have due Conſideration.' *Laſtly*, he added, 'That the Lords of his Great Council were ready to lay before them the Receipts of the laſt ſubſidial Grants, and the Diſburſements of the ſame.' K. *Richard* II.

After appointing Receivers and Triers of Petitions, as uſual, the Commons adjourned to their Place, and ſoon after returned into Parliament, with Sir *John Gilderſburg*, Knight, whom they had choſen Speaker; who, making the uſual Proteſtation, firſt 'Prayed that the Prelates and other Lords of the King's ſtanding Council might be diſcharged, and none ſuch for the future be retained; becauſe they ſaid, That now the King was of good Diſcretion, in reſpect of his Age, which was the ſame with his Grandfather's at his Coronation, who then had no other Counſellors but the five principal Officers of his Realm. Praying alſo that thoſe five Officers, *viz.* the Chancellor, the Treaſurer, Keeper of the Privy-Seal, Chief Chamberlain, and Steward of the Houſhold, might not be renewed or changed untill the next Parliament. They likewiſe prayed that a Commiſſion might be iſſued out to certain Perſons to ſurvey and examine, in all his Courts and Palaces, the State of the King's Houſhold, the Expences and Receipts in all the Offices, *&c.*' Sir JOHN GILDERSBURG choſen Speaker.

This laſt was granted, and a Commiſſion was made out to the Earls of *Arundele*, *Warwick*, and *Stafford*; the Lords *Latimer*, *Brian*, and *Montacute*, with *John Haiſtings*, *John Gilderſburg*, and *Edward Dalyngrugge*, Knights; *William Walworth* and *John Philpot*, Citizens of *London*, and *Thomas Graa*, Citizen of *York*, with others, to execute and report the ſame[x]. A Committee appointed to ſurvey the King's Houſhold, *&c.*

The Lords and Commons together, conſidering [357] 'that the King and Kingdom were ſurrounded with Enemies, who, with great Force, endeavoured all they could, as well by Sea as Land, to deſtroy them both, and even to extinguiſh the *Engliſh* Language; therefore, for the Defence and Safety of the Kingdom, and for the good Succeſs of the Expedition ordered into *Brittany*, and the Deſtruction of the ſaid Enemies, they freely granted to the King one Fifteenth and a Half, with- A Subſidy granted,

x The whole Form of the Commiſſion, very large, *Prynne* ſays is worth remarking. p. 183. Rot. Parl. 3 *Rich.* II. N°. 15.

K. *Richard* II. ‘ without the Cities and Boroughs, and one Tenth and ‘ a Half within thoſe Places. With this Prayer, that this
With a Reſtriction. ‘ Subſidy, and what was remaining of the other, given ‘ laſt Parliament, might be only applied for the Expe- ‘ dition into *Brittany*, and no where elſe.

‘ Conſidering alſo that the Subſidy on Wooll, Leather, ‘ and Wooll-fells was to end at *Michaelmas* next; and ‘ that from thence the King would not be able to ſup- ‘ port the great Charge of carrying on the War in the ‘ Marches of *Calais*, *Breſt*, *Cherburgh* in *Gaſcoigny*, in ‘ *Ireland*, and in the Marches of *Scotland*, they granted ‘ the ſame Subſidies, from the Time they were to end ‘ at, untill the *Michaelmas* Twelvemonth. And, with- ‘ all, praying the King that there might not be another ‘ Parliament called, to charge his poor Commons, till a ‘ Year after that Time.’

Mr. *Tyrrel* has obſerved in the Records, a remarkable Tranſaction, done in this Parliament, omitted by Dr. *Brady*, which was this: ‘ That when the King and ‘ both Houſes reſolved to enlarge the Powers of the Ju- ‘ ſtices of Peace, the Prelates and Clergy, in their Con- ‘ vocation, made an expreſs Proteſtation againſt it,’ *That it had not, or ever ſhould paſs, with their Conſents.* The Anſwer the King gave to this, was, *That he would not forbear, for their Proteſtations, to make his Juſtices as he was wont, and by his Coronation Oath was obliged to do.* From whence that Author obſerves, that the Clergy, aſſembled in Convocation, were not then looked upon as a diſtinct Eſtate of Parliament, as ſome Men, adds he, without any juſt Grounds, have ſuppoſed [y].

The Clergy proteſt againſt enlarging the Power of Juſtices of the Peace.

The Reader may take Notice, that the firſt Petition of the Commons, relating to the Diſcharge of the King's ſtanding Council, was not anſwered. But *Walſingham* writes [z], though we do not it find on Record, That they likewiſe deſired that ſome one of the moſt fit and diſcreet Barons might be ordained to be near the King's Perſon, who ſhould be able to return proper Anſwers to foreign Miniſters, *&c.* Upon which *Thomas Beauchamp*, Earl of *Warwick*, was, by common Aſſent, aſſigned

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[y] *Tyrrel's Hiſtory of England*, Vol. III. p. 851. Rot. Parl. 3 *Ric.* II. No. 38.

[z] *Sub hoc Anno.*

signed for that Purpose, and an annual Pension appointed him for his Charge and Trouble. By this it appears more than probable, that the Duke of *Lancaster*, with the rest of the Bishops, Earls, and Barons, who had been appointed Governors to the King during his Minority, were greatly suspected to have embezzled the public Money, raised by the last Subsidies and Poll-Tax, without any great Benefit to the Nation. They, therefore, wisely chose to trust the Power in one Hand, rather than in many, who might be sooner called to an Account for any Mismanagement. We shall take our Leave of this Parliament with observing, That now Sir *Richard le Scrope*, for what Reason is not mentioned, surrendered his Office of Chancellorship, and *Simon Sudbury*, Archbishop of *Canterbury*, was put in his Place; which was then looked upon as a Degradation to his Archiepiscopal Dignity. K. *Richard* II.

The *French* War continuing all this Time, with very little or no Advantage to *England*, the King again wanted Money to support the prodigious Expence of it. Accordingly Writs were issued out to summon a Parliament to meet the *Monday* after the Feast of *All-Saints*, at *Northampton*, notwithstanding the late Ordinance of calling no more Parliaments for some Time: Besides, that Town was most unfit for such an Assembly, by reason of Winter, and the Scarcity of Lodging and Fuel. At the Time appointed it was, as usual, adjourned for some Days, because that again the continual Rains had made the Roads almost unpassable; when, at last, being all met, that could come, (for several Lords were with the Duke of *Lancaster* on the *Scots* Borders) in a Chamber belonging to the Priory of St. *Andrew*, in *Northampton*, provided for that Purpose, the Archbishop of *Canterbury*, as Chancellor, declared to all there present the Cause of their Meeting, to this Purpose: 'That they 'could not be ignorant, that the Earl of *Buckingham* [359] 'had been sent into *France*, with an Army which had 'cost the King more Money than was given him by 'the last Parliament: Besides, the late Expedition into '*Scotland*, the Defence of *Guienne*, and the Charges he 'had been at in *Ireland*, had put the King under such 'great Necessities, that he had been forced to pawn his 'Jewels, Anno Regni 4. 1380. At *Northampton*.

K. *Richard* II. ‘ Jewels, the Subſidy on Woolls raiſing very little, be-
‘ cauſe of the preſent Diſturbance in *Flanders*: That
‘ the Soldiers in the Marches of *Calais*, *Breſt*, and *Cher-*
‘ *burgh*, were in Arrear more than three Months, and
‘ it was feared they might deſert for Want of their Pay:
‘ That they were to conſider the King was very much
‘ in Debt, and was bound, by Covenant and Indenture,
‘ to pay the Earl of *Buckingham*, with others concerned
‘ in that Expedition, for another half Year, now near
‘ ended; and that the King was alſo at a very great
‘ Charge in guarding the Coaſts. Laſtly, he deſired
‘ them to adviſe the King how theſe Expences were to
‘ be borne with the moſt Eaſe to his Subjects; and how
‘ the Kingdom might be beſt defended againſt all its
‘ Enemies, both by Sea and Land, in as ſhort a Time
‘ as poſſible.’

Sir JOHN GILDERSBURG choſen Speaker a ſecond Time.

The Commons took only one Day to treat about theſe Affairs, and then returned to the Houſe of Lords, where, in the Preſence of the King, Prelates, and Peers, Sir *John Gilderſburg*, again their Speaker [a], ‘ De-
‘ manded a more clear Declaration of what had been
‘ ſaid to them, and eſpecially what Sum was demanded
‘ to ſupport the Charge; praying, that no more might
‘ be required than was neceſſary, becauſe the Com-
‘ mons were poor, and little able to bear ſo great a
‘ Charge any longer.’ Whereupon a Schedule was de-
livered in, by the King’s Great Officers and Council, containing the Sums neceſſary, which amounted to 160,000 *l. Sterling.*

Debate upon raiſing a Supply.

The Commons replied, ‘ That they thought the
‘ Sum demanded was too much, and really inſupport-
‘ able; and prayed, That ſuch Moderation might be
‘ uſed, that no more was to be demanded than what
‘ was to be borne, and was abſolutely neceſſary for the
‘ Cauſes ſet forth: And farther deſired the Prelates and
‘ Lords would treat by themſelves about the Matter,
‘ and propound the Ways by which any reaſonable Sum
‘ might be levied and collected.’

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The Lords took Time to conſult about this Affair; and, when they were agreed, they order’d the Commons to come before them, and told them what they reſolved upon:

[a] *Et illocques Monſ.* Johan. Gilderſburg, *Chevalier, quavoit le Paroles pur le Commune, &c.* Brady, Vol. III. p. 343. Rot. Par. 4 *Rich.* II. N°. 10.

upon: *First*, 'That a certain Sum of so many Groats [b] K. *Richard* II.
'might be paid by every Person in the Kingdom, both
'Males and Females, the more able to help the less.
'*Secondly*, If that was not agreeable, to have an Im-
'position upon all Manner of Merchandizes, bought and
'sold within the Realm, for a certain Term, every
'Time they should be sold, to be paid by the Vender.
'And, *Thirdly*, their Advice was to raise a certain Sum,
'by Tenths and Fifteenths; but because the last Method
'was grievous to the poor Commons, and that they
'could not know what Sum it would raise, nor in what
'Time the other Ways could be expedited, therefore
'the Lords thought proper to pitch upon the Groats,
'and proposed four or five [c] to be levied upon every
'Person as above, this Way of Tallage seeming to
'them the best and most easy to the Subject.'

The Commons, when they had a long Time debated about the Manner of this Levy, came into full Parliament, and made Protestation, 'That they came not to
'grant any Thing that Day; but they said, that if the
'Clergy would support a third Part of the Charge, they
'would grant 100,000 *l.* to be raised by a certain Num-
'ber of Groats, so that the Clergy would raise 50,000 *l.*
'which was but reasonable, for that they possessed a
'third Part of the Kingdom [d]; and prayed the King
'and Lords to move it to them, speedily to agree to
'this Proposal.'

To which the Prelates replied, 'That their Grants [361]
'were never made in Parliament, nor ought to be:
'That the Laymen neither could nor should constrain
'them in that Case; and claimed the Liberty of the
'Church, which before that Time they had ever en-
'joyed. They desired that the Commons might be en-
'joined to do what they ought and were bound to do;
'and as for themselves, they would act, under the pre-
'sent Necessities, as they had done before.'

At last the Lords and Commons agreed upon a Ca- A Capitation-
pitation-Tax, which was to be three Groats of every Tax granted.
Person

[b] The *French* Word for this Coin is, *un Grosse*, in *Law-Latin*, *Grossa*; which Sir *Roger Twysden*, in his Glossary to the *Decem Scriptores*, renders *Drachma, vulgo a Groate*; *Nomen a Magnitudine respectiu Denarii, quatuor enim continet Denarios.* They were first coined by *Edward* III.

[c] *Quatre ou tynk Grotes.* Record.

[d] *Le Clergie, qui occupie la tierce Partie del Royalme.* Ibid.

K. *Richard* II. Perſon of the Kingdom, Male or Female, paſt the Age of fifteen Years, of what State and Condition ſoever, except Beggars; the ſufficient People in every Town to contribute to the Aſſiſtance of the leſs able; ſo as none paid above ſixty Groats, including himſelf and his Wife. The whole to be for the Support of the Expedition under the Earl of *Buckingham*, and the other Lords join'd with him in *Brittany*, and Defence and Safeguard of the Sea-Ports and Kingdom. It was further enacted, *That no Knight, Citizen, or Burgeſs of this Parliament ſhould be Collector of this Money; but that the King ſhould appoint ſuch as ſhould equally levy it, according to the Meaning of the Grant, throughout the Kingdom.* So ſenſible was this Parliament of the great Partiality of their own Members, in collecting this Tax, even in thoſe early Times, that they would not truſt themſelves with it. A noble Inſtance of a truly public Spirit, and really a Self-denying Ordinance.

Members of Parliament excluded from being Collectors thereof.

On the 6th Day of *December*, when the Schedule of the aforeſaid Poll Tax was read in full Parliament, the Speaker of the Commons acquainted the King, That the Lords and they had alſo agreed to renew the Grant to him of the Subſidy on Wooll, *&c.* from that Time to *Martinmas* enſuing, on Account of the preſent preſſing Occaſions. Afterwards the Petitions of the Commons being read to the King, and anſwered by him, he diſſolved this Parliament.

But tho' Matters were carried on ſmoothly within Doors this laſt Parliament, yet the Poll-Tax was the Occaſion of a terrible Tempeſt without; which in the End proved fatal to thoſe whom the enraged Multitude took to be the Adviſers of it. The Inſurrection in *Kent*, and its neighbouring Counties, headed by two ſuch inſignificant Fellows as *Wat Tyler* and *Jack Straw*, had probably occaſion'd a general Revolution, but that ſome Accidents prevented it. The Accounts of this Rebellion, with the Riſe and Fall of it, are amply diſcourſed on by our general Hiſtorians, wherein the Valour and Prudence of the young Monarch deſerves a perpetual Memorial. We may reaſonably ſuppoſe that no common Reader of *Engliſh* Hiſtory is unacquainted with the Story of this Rebellion and its tragical Conſequences; *Walſingham* and *Knyghton*, both living at that Time, are

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The ſaid Tax occaſions a Rebellion.

are very particular in their Relation of it; to whom, or their Copiers, we must refer, since it is only consistent with our Design to give an Account of the Imposition of a Tax in Parliament, and not to trouble ourselves with what Grudgings it occasioned by the collecting of it. The afore-named antient Historians have ascribed the Rise of this Rebellion to some scandalous Indecencies practised by the King's Collectors in the gathering this Tax [a], but it is more than probable that the Populace, that is, the meaner Kind of them, were provoked at it, because it was the first Time they ever had such an Imposition laid and levied on them. However, a Poll-Tax was hereby rendered so odious, that another durst never be attempted in any succeeding Reign, except a much later one, down to our present Times [b]. K. *Richard* II.

This dangerous Rebellion being at length quashed, the King thought proper to send out Writs, dated *July* 16, for a Parliament to meet at *Westminster*, on the 14th of *September* following. It was afterwards prorogued to the Day after *All-Souls*; and, by reason of a Quarrel which had happened between two great Men, the Duke of *Lancaster* and the Earl of *Northumberland*, who came to Parliament, with each a great Retinue of armed Followers, it was further adjourned till the King could make up the Difference, which was happily ended a few [363]

a *Knyghton*'s Words are these: *Unus eorum* [*Collectorum*] *cum esset ad aliquam Villam, ad faciendam Inquisitionem de dicta Taxa, convocari fecit, tam Viros quam Mulieres et Puellulas; quod, dictu horribile est, esursum impudice elevavit, ut sic experiretur utrum corruptæ essent et cognitæ a Viris, ut sic More artaret Amicos et Parentes pro eis solvere Taxam; et plures potius eligerunt solvere pro suis Filiabus, quam videre eas tam turpiter attractari.* Col. 2633.

b There is an Account of a Parliament, held at *Westminster* this Year, in *Cotton*'s *Abridgement*, p. 193, in the Beginning of *May*, but it is not in our Copy of the Rolls of Parliament.

Our oldest *English* Chronicles call this Tax *a new and a strange Subsidy*. *Holling shead* writes, That great Grudging, and many a bitter Curse followed on the levying this Money, and much Mischief rose thereof as after did appear. *Holling. Chron.* p. 428. That glaring Foreigner, as Archbishop *Nicholson* calls him, *Polydore Vergil*, very elegantly writes of this Poll-Tax, *Hæc Exactio, ait ille, cum nova et insolita, tum intolerabilis, ita Plebis Animum vulneravit, ut postea quam Pauperes qui solvendo non erant, passim conquerentes diras Voces in Autores tanti Facinoris jactarunt, et nihil se eo Modo profecere viderunt, Arma demum capienda statuentes, jamjam Mortes et Manus ubique Exactoribus intentarint.* Pol. Vergil, Hist. Ang. *Lib.* xx. p. 402.

K. *Richard* II. a few Days after, by causing the Earl to ask the Duke's Pardon [c].

Anno Regni 5. 1382. At *Westminster.* On the Meeting, *William Courtney*, Archbishop Elect of *Canterbury*, and now Chancellor of *England*, declared the Cause of the Summons, and took for his Theam, *Rex convenire fecit Consilium*, and in *English*, according to the Record, made a notable Oration upon it. He applied his Text to the good and virtuous Government of the King, during his Reign; affirming, 'That no 'Reign could long endure, if Vice reigned in it; to re- 'dress which this Parliament was called, since the Laws 'now in Being were not able to do it.' And, after the usual Form for receiving Petitions was settled, the Chancellor told them that this being *Saturday*, the Cause of their Meeting should be more especially declared to them on the *Monday* next.

On the same Day the Commons were called over by their Names, in the White Chamber at *Westminster*, when Sir *Hugh Segrave*, Treasurer of *England*, by the King's Command, spoke, and put them in Mind of the Archbishop's Oration, and said, 'That the chief Cause 'of their Summons was, first, to take Care of the 'Church's Liberties and to provide for the Maintenance 'of the Peace; and, especially, to punish the Authors 'of the late horrible Tumults and Rebellion made 'against the King, who had been forced to grant to the [364] 'Rebels Charters of Liberty and Manumission, who 'were only Bond-Tenants and Villains of the Realm, 'under the Great Seal of *England*. Which the King 'knowing to be done against Law, desired them to seek 'Remedy and provide for the Confirmation or Revo- 'cation thereof [d].' Lastly, He said, 'The King was 'much

[c] The Earl being Warden of the Marches of *Scotland*, had strict Orders from the King not to suffer any Person whatsoever coming out of that Kingdom to enter *Berwick*, forgetting that the Duke was then there. At his Return, the Earl, on an old Grudge, took an Advantage of the King's Orders, and denied him Entrance into *Berwick*, which occasioned the Quarrel. It was well for the Duke that he was on this Northern Expedition; for if he had been in the South, he had fallen a Sacrifice in the late Rebellion, being a Man extremely odious to the Populace. *Sam. Daniel* in *Kennet*, p. 248.

[d] The Charter of Manumission, or Freedom, which the King was obliged to give to the Rebels, is too extraordinary to be omitted.

Richardus, *Dei Gratia*, *Rex* Angliæ & Franciæ, & *Dominus* Hiberniæ; *omnibus Ballivis*, & *Fidelibus suis*, *ad quos præsentes Literæ pervenerint*, *Salutem*:

'much in Debt, and in great Want of Money to main- K. *Richard* II.
'tain his Court and the Wars.'

The Commons retiring to their accuſtomed Place, the Chapter-Houſe of *Weſtminſter-Abbey*, choſe Sir *Richard Waldegrave*, Knight, their Speaker; and returning with him into Parliament, *November* 18, the ſaid Sir *Richard* deſired to be excuſed and diſcharged from the Office; but the King inſiſting, upon his Allegiance, that he ſhould ſtand, *as being choſen by his Companions*[e], he made the uſual Proteſtation. This is the firſt Inſtance of a Speaker pleading to be excuſed from the Office. Sir RICHARD WALDEGRAVE choſen Speaker.

Afterwards the Lords and Commons, together, came unanimouſly to this Reſolution, *That all Grants of Liberties and Manumiſſion, to the ſaid Villains and Bond-Tenants, obtained by Force, were in Diſheriſon of them, the Lords and Commons, and Deſtruction of the Realm; and therefore to be nulled and made void by Authority of this Parliament.*

The Commons alſo petitioned the King, 'That 'ſince the reſt of the Charge was for Matters which 'highly concerned the State of the Realm, they might 'have certain Biſhops and Lords to conſult with them, 'ſince they thought their Advice would be very much [365] 'to the Purpoſe.'

The Anſwer was, 'That they ſhould give in the 'Names to the King in Writing, of ſuch as they deſi-'red, that he might adviſe about it;' which being done, the King granted their Deſire, and three Biſhops and ten Lords were aſſigned for the Purpoſe.

And the Commons further pray'd the King, 'That 'the Prelates by themſelves, the Lords Temporal by 'themſelves, the Knights by themſelves, the Judges by 'themſelves, and all other Eſtates ſingly, might be or-'dered to treat about their Charge; and that their Ad-

Salutem: Sciatis quod de Gratia noſtra ſpeciali manumiſſimus univerſos ligeos, & ſingulos ſubditos noſtros, ac alios Comitatus Hertfordiæ, *& ipſos, & eorum quemlibet ab omni Bondagio exuimus, & quietos facimus per præſentes, ac etiam pardonamus eiſdem ligeis ac ſubditis noſtris omnimodas Felonias, Proditiones, Tranſgreſſiones, & Extortiones, per ipſos vel aliquem eorum Qualitercunque factas, ſive perpetratas, ac etiam Utlagariam, & Utlagarias, ſi qua vel quæ in ipſos, vel aliquem ipſorum fuerit vel fuerint hujs Occaſionibus promulgata vel promulgatæ, & ſummam Pacem noſtram eis & eorum cuilibet inde concedimus.*

In cujus Rei Teſtimonium, has Literas noſtras fieri fecimus Patentes. Teſte meipſo apud London, 15 *Die* Junii, *Anno Regni noſtri quarto.*

[e] *Eluz par ſes Compaignons.*

K. *Richard* II. ‘vice might be reported to the Commons.’ To which it was anſwered, ‘That the King had charged the ‘Lords, and other Sages, to commune diligently upon ‘the ſaid Matters; but the antient Cuſtom and Form ‘of Parliament had always been, that the Commons ‘ſhould firſt ſupport their Advice, upon the Matters ‘given them in Charge, to the King and Lords of Parliament, and not on the contrary; and therefore the ‘King would, that the antient and good Cuſtoms and ‘Form of Parliament ſhould be kept and obſerved.’

The Commons complain of Abuſes in the Government.

After the Commons had conferred with the Lords, they return'd into the Parliament, ‘And made great ‘Complaint of the Government of the Realm, which, ‘if not amended, the Kingdom would be in ſhort Time ‘ruined: They complained alſo of the Government ‘about the King's Perſon, his Court, the exceſſive ‘Number of his Servants; of the Abuſes in the *Chancery*, *King's-Bench*, *Common-Pleas*, *Exchequer*; and of ‘grievous Oppreſſions in the Country, by the great ‘Multitude of Maintainers of Quarrels, who behaved ‘themſelves like Kings in the Country, ſo as there ‘was very little Law, or Right; and of other Things, ‘which they ſaid were the Cauſe of the late Commo‘tions, and Miſchiefs of the Land, and requeſted they ‘might be amended.

The King, by Advice of the Lords and his Council, granted, ‘That certain Prelates, Lords, and others, ‘ſhould ſurvey and examine the Government of his Per‘ſon and Court, and to think of ſufficient Remedies.’ The Perſons choſen to make this Inquiry were, the [366] Duke of *Lancaſter*, the Archbiſhop Elect of *Canterbury*, the Archbiſhop of *York*, the Biſhops of *Wincheſter*, *Ely*, *Exeter*, and *Rocheſter*; the Earls of *Arundele*, *Warwick*, *Stafford*, *Suffolk*, and *Saliſbury*; the Lords *Zouch*, *Nevil*, *Grey* of *Ruthin*, and *Fitz-Walter*; Sir *Richard le Scrope*, Sir *Guy de Brian*, and others. The King's Confeſſor was charged to abſtain from coming to, or remaining at, Court, unleſs at the four great Feſtivals of the Year; this was done at the Requeſt of the Commons, and Aſſent of the Lords, being one, as was then ſuppoſed, that gave the King ill Advice.

A Committee appointed thereupon.

Then follow certain Petitions of the Commons, tho' the Anſwers to them are not ſet down.

Firſt,

First, They Petition the Duke of *Lancaster*, and the other Lords, assign'd by the King for that Purpose, 'To place the most discreet and valuable Officers about the King's Person, and his Court; to appoint a Chancellor, Barons, and Officers in the Exchequer, Judges of one Bench and the other; that they might know their Names, and what they were to do, and the Method they were to take in the Regulation of the Realm, after these Things were done.' K. *Richard* II.

They also petition, 'That an End might be made of the War, which was in great Part maintain'd by the Goods that the Enemies of the Nation took, by Sea and Land, from the *English*, to the great Dishonour of the Government and Nation, and Destruction of the whole Realm.'

They likewise petition, 'That certain of the Chief Clerks in Chancery, certain Justices, Barons of the Exchequer, and others, learned in the Law, might consult of the Grievances above; and that certain Merchants might declare the Causes of the low Prices of our Commodities, the carrying over our Money, washing and clipping thereof.'

Then the Commons brought into Parliament a Draught, containing three Articles, for as many Sorts of Pardons, if the King would please to grant them. Petitions of the Commons for Pardons, on Account of the late Tumults;

The *first* was, For the Lords, Gentlemen, *&c.* that, in Resistance of the Rioters and Traitors, caused some of them to be slain, without due Process of Law.

The *second*, To appease and quiet the Minds of the common People, concerning all Treasons and Felonies committed in the late Riots and Tumults. This was granted, with some Exceptions, provided that such as received Damages and Losses by these Insurrections, should not by this Pardon be fore-closed from recovering any Recompence by due Course of Law. [367]

The *third* was, For the good People that kept themselves in Peace, and were noways consenting to the said Tumults and Insurrections, yet were someways concerned, by favouring or receiving the Rebels.

This Business of the Pardons being over, the Commons made a Rehearsal of their Requests and Grievances which they would have amended, and desired to have a View of what was done in that Matter; which the

K. *Richard* II. King then did not immediately answer, but told them, 'He had been at great Expence in quieting the Nation 'of the late Tumults and otherwise, as was declared to 'them before by his Officers; and that he was to be at 'further great Expences, by reason of the Queen's co- 'ming over, her Marriage, and Coronation, which were 'suddenly to be celebrated; also in guarding the Seas, 'and keeping his Fortresses abroad, and for Defence of 'the Realm at home; for the Discharge of which Debts, 'and the Supply of his Expences, he had nothing in his 'Treasury.'

To which the Commons answered, 'That, consider- 'ing the evil Hearts and Rancour of the People through 'the whole Realm, they neither durst nor would grant 'any Manner of Tallage.' They also desired the Par- liament might be adjourned 'till after *Christmas*, which was granted; and then they also desired again to know the Extent of his Grace and Favour in pardoning: To which the King replied, 'That it was not the Custom 'of Parliament to have a general Pardon, and such Fa- 'vour from the King, when the Commons would not 'grant him any Thing;' and told them, 'He would 'advise further of his Grace and Pardon, untill they 'should do what belonged to them:' And said, more- 'over, 'It was customary to grant Pardons the last Day 'of the Parliament, when he answered their Supplica- 'tions and Petitions in Writing.' The Commons replied again, 'That, for the Grant of a Subsidy on 'Wools, &c. they should take Time to consider of it:' To which, on the Part of the King, it was answered, 'That he also would consider of their Pardons.'

Upon this the Commons retired; and in a small Time after, being better advised, they came before the Lords, [368] saying, 'They had considered the great Charge the King 'had been at, as well here as beyond Sea;' and then the Prelates, Lords, and Commons agreed to continue the Subsidy on Woolf, Leather, and Wooll-fells, untill *Candlemas* next ensuing, as it was last granted; where- upon the King ordered a Declaration to be read of his Grace and Pardon to all Sorts of People, a certain Num- ber there specified only excepted; at which the Com- mons expressed great Joy, and gave the King their most humble and sincere Thanks for such his Grace and Fa- vour.

Which the King agrees to, on the Grant of a Sub- sidy.

vour [a]. The Names of the excepted Perſons are all entered on the Rolls, to the Number of ſome Hundreds; amongſt whom are ſome Prieſts, but not one Gentleman; the reſt have their Trades ſeverally ſpecified againſt their Names, and Towns and Counties where they lived: By all which it appears, that theſe Rioters, who did ſo much Miſchief, and went near to overturn the whole State, were compoſed of the very Dregs of the People [b]; and, if we conſider that they were the Perſons the moſt hurt by this Poll-Tax, the Wonder will ceaſe that they ſhould riſe upon it, eſpecially when headed by ſuch bold and daring Fellows as their Leaders are repreſented to be. K. *Richard* II.

In this Seſſion of Parliament great Complaints were made againſt the Mayor, Bailiffs, and People of the Town of *Cambridge*, for their Actions againſt that Univerſity in the late Tumults; and the ſaid Officers being ſummoned to appear before the King and his Council in Parliament, they appeared and denied the Matters of Fact; which being proved, they ſubmitted themſelves to the King's Mercy: Whereupon, their Franchiſes being given up, ſome of them were granted to the Univerſity, and the Reſidue the King granted again to the Town.

About the Middle of *December* the Parliament was prorogued to the Middle of *January*, on Account of *Chriſtmas* being near, and the young King's going to be married to *Anne*, Siſter to *Wenceſlaus*, Emperor of *Germany* and King of *Bohemia*: And it was ordered that all Pleas, Cauſes, and other Matters moved in this Parliament, with all other Things, ſhould remain undetermined to that Time [c]. When they met again, the firſt Thing the Parliament went upon was, to take into Conſideration a Propoſal made by the Duke of *Lancaſter*, to make another Expedition into *Portugal*, if the Parliament would allow him 60,000 *l.* to pay the Wages of 2000 Men at Arms, and 2000 Archers, for half a Year. The Parliament prorogued.

For

[a] Rot. Parl. 5 *Richard* II. No. 63.

[b] Such as Labourers, Tilers, Coblers, Tinkers, Taylors, Sheremen, *&c.* Amongſt theſe are very many of the City of *London*, who had joined the *Kentiſh* Rebels on this Occaſion.

[c] It was enacted in this Parliament, 'That no Gold or Silver ſhould 'be carried out of this Kingdom, either in Coin or otherwiſe.' It being found then, as well as now, that Traffic with ready Money impoveriſhes a Nation. *Sam. Daniel* in *Kennet*, p. 249.

K. *Richard* II.

[369]

For the better underſtanding this Propoſal, it is neceſſary to inform the Reader, that this *John a Gaunt*, Duke of *Lancaſter*, was alſo, in Right of his Wife, titular King of *Caſtile* and *Leon*; but kept out of Poſſeſſion by *Henry* the *Baſtard*, who had murdered Don *Pedro*, the laſt King, the Duke's Wife's Father. The Duke had ſo far prevailed with the King and Council of *England*, as to ſend a ſmall Army, the Year before, to the Aſſiſtance of the King of *Portugal*, at that Time hard put to it by the ſaid *Henry* the *Baſtard*. The *Portugueſe* offered very advantageous Terms for theſe Succours; amongſt others, that they would prevent, by the Power of their Fleet, the *French* and *Spaniards* from going in or out of the Straits of *Gibraltar*. *Edmund* Earl of *Cambridge*, the King's Uncle, was made General of this Expedition, who, arriving at *Liſbon*, was the Means of ſaving that City; for it was ſoon after beſieged by the *Spaniards*, and had been taken, but for a vigorous Sally made by the *Engliſh*, which obliged them to raiſe the Siege with great Shame and Loſs.

The Duke's Reaſons for this ſecond Expedition into *Portugal*, were, 'For the ſaving ſuch *Engliſh* Soldiers 'as were ſtill there; for the Recovery of his own Right 'in *Spain*; and, alſo, for the Safeguard of the Sea, 'Preſervation of the Realm of *England*, and the De'ſtruction of her Enemies. Offering to repay the Sum 'ſtipulated in three Years, either in Money, or by 'ſome acceptable Service.' This Demand occaſioned a long Debate amongſt the Lords, ſome approving of the Reaſons, and others not; but the latter were the Majority at this Time.

A Subſidy granted for the Aſſiſtance of the *Portugueſe*.

On the 25th of *February* the Lords and Commons reſolved, 'That, conſidering the King's great Neceſſi'ties, and the Number and Strength of his Enemies, 'both at Sea and Land, with the great Expences he 'muſt be at for the Defence of the Kingdom, againſt 'ſuch Force, they would of their own Free-Will grant 'to the King the Subſidy on Wooll, Wooll-fells, and 'Leather, as it was in the laſt Grant, from that very 'Day to the Feaſt of St. *John Baptiſt* next coming;

[370]

'and from thence for four Years more, whether ſuch 'Armaments ſhould be made Uſe of in the Voyage of 'the Lord of *Lancaſter* into *Spain*, or in any other 'Manner.

'Manner:' But with this expreſs Proteſtation of the Commons, *That it was not their Intention to be obliged, by any Words in this Grant, to quarrel or have a War with* Spain; *but they only gave it for the Defence of the Kingdom, and Reſiſtance of its Enemies; as it ſhould ſeem beſt to the King's good and honourable Council to adviſe and ordain about it.* And farther the Commons pray, That if a Peace or a Truce ſhould happen to take Place, within the Time the ſaid Subſidy was granted to, that then the Revenue, or Profits of it, ſhould be ſo diſcreetly and ſafely kept, that, when another Occaſion offered, it might ſerve for the Aid and common Good of the Kingdom[d]. K. *Richard* II.

In this Parliament Sir *Richard le Scrope*, a Man of known Judgment, Learning, and Integrity, was again appointed Lord-Chancellor. But, very ſoon after its Diſſolution, by the Inſtigation of ſome Courtiers, who were but inferior Officers to the King, becauſe Sir *Richard* would not paſs ſome large Grants of Eſtates to them, which had eſcheated to the Crown, the Seals were taken from him, and given to *Robert Braybroke*, Biſhop of *London*. This is mentioned as the firſt unpopular Act of this King's Reign, and what gave the Public a Diſlike to his Government; or rather, ſays *Walſingham*, to that of his Miniſters, who then managed Affairs, and played upon the King's Youth, and the Eaſineſs of his Nature. At this Time, alſo, were made ſeveral Statutes concerning Strangers being admitted to buy and ſell Commodities in their own Names, without any Hindrance of the *Engliſh* Merchants; likewiſe, for the forbidding of Furs, and regulating the Exceſs of Apparel in inferior People; to ſettle the Price of Wines, and many other Matters. Laſtly, great Care was taken to provide Remedy for thoſe who had loſt their Deeds of Eſtates, Conveyances, or other Records, in the late Inſurrection, by Fire or otherways. The aforeſaid Author, at the End of his Account of this Parliament, adds this ſevere Reflection, *But what do Acts of Parliament ſignify, when, after they are made, they take no Effect, or are nothing regarded; ſince the King, by Advice of his Privy Council, took upon him to alter, or wholly ſet aſide, all*

Sir *Richard le Scrope* removed from being Chancellor, for refuſing to paſs ſeveral Grants.

The King, by Advice of his Privy Council, ſets aſide the Determinations of Parliament.

[d] Rot. Parl. 5 *Rich.* II. p. 2. N°. 68, 69.

K. *Richard* II. *all those Things which, by general Consent, had been ordained in Parliament* [e].

It should seem that this last Parliament was again prorogued or adjourned to the Morrow after St. *John-Port-Latin*, or the seventh Day of *May* in the same Year; for we find another Meeting of one at *Westminster* entered on the Rolls, there called *Pars secunda*, though it is not at all taken Notice of in the Abridgement. This Parliament opens with all the Ceremonies of a new one; as to calling over the Names of the Knights, Citizens, and Burgesses, appointing Receivers and Triers of Petitions for foreign Parts, *&c.* tho,' after all, there was but very little Business done at it.

In this Parliament the Record says [f], that Sir *Richard le Scrope* opened the Cause of the Summons, by which we learn that he was not yet removed from the Office of Chancellor. He told the Lords and Commons, That the Revenue arising from the Subsidy on Woolls, *&c.* granted by the last Parliament, was not sufficient for the Occasions of the State: That, soon after the said Parliament was finished, the King had called a great Council of Prelates and Lords to meet at *Windsor*, to have their Advice, and to acquaint them that it was his firm Purpose to go abroad in Person and carry a Royal Army into *France*: And that the said Lords knowing well the Scarcity of Money that was in the Treasury, and, on the other Side, the great Benefit and Profit that would accrue

[e] *Sed quid juvant Statuta Parliamentorum, &c.* Walsingham.

In this Parliament, or the next, *William Ufford*, Earl of *Suffolk*, being chosen, by the Knights of the Shire, *&c.* to deliver their Minds to the King and Parliament, at the Instant he was going up the Stairs for that Purpose, fell down dead in the Hands of his Servants. He was a Nobleman much lamented, on Account of his great Humanity and Affability to all Men. *Holling shead*'s *Chron.* p. 440.

Another polite *Italian*, who wrote the History of the Civil Wars in *England*, under the Contests between the two Houses of *York* and *Lancaster*, says, That this King amongst the most considerable Jewels of his Crown, had one inchased in it by the Laws, that those Fathers who die in the Nonage of their Sons, the latter fall under his Tuition, 'till the one and twentieth Year of their Age; all their Lands redounding from the aforesaid Time to the King, save the third Part which is reserved for their Education. By this Prerogative, he adds, *Richard* enjoyed the great Income, fallen unto him by the Death of the Earl of *March* and several others; all which he bestowed upon Men of no Use nor Merit. Sir *Francis Bicndi*, translated by *Henry* Earl of *Monmouth*, p. 3. *Fol. Lond.* 1641.

[f] Rot. Parl. 5 *Rich.* II. *Pars secunda*, No. 3.

accrue to the Nation, if God ſhould proſper ſuch an Undertaking, out of their great Generoſity and Courage, had all offered to ſerve the King in his Wars for one whole Year entire; and to provide a large Number of Men at Arms and Archers to ſerve for ſingle Wages: That all the Merchants in *London*, and other great Towns in *England*, two or three of the moſt ſufficient of them, had been ſummoned and conſulted about a Loan of Money for the Purpoſe, but that they made a Difficulty of lending ſuch a large Sum without the Security of Parliament: It was for this Reaſon, and for the Safeguard of the Realm during the King's Abſence, that this Parliament was called, and for no other Cauſe whatſoever: That the King prayed they would take the Matter into Conſideration, and do therein as they valued his Honour and the common Good of the whole Realm, as it was the firſt Enterprize he ever undertook. K. *Richard* II.

A Day or two after this Declaration was made the Commons came before the King and Lords, and demanded what Sum of Money was wanted to fit out this Expedition. They were anſwered, That a Sum not leſs than 60,000 *l.* would do for the Purpoſe; and that it would coſt much more to furniſh out and pay the Wages of 3000 Men at Arms, and 3000 Archers, for half a Year: That if God ſhould bleſs them with Succeſs, it would turn out to the double Advantage of the Nation, as well as the Safeguard and Defence of it.

After this a Committee of Merchants, there named, were appointed to conſider of advancing and lending the aforeſaid Sum; but ſome of that Body having been formerly ruined by Loans of that Kind, which never were repaid, were very ſhy in this Caſe: They ſaid, however, That if the Lords Spiritual and Temporal, the Knights, Eſquires, and inferior Clergy of the Realm, would freely lend the King a conſiderable Sum, without Intereſt, then they would do the like upon good Security, otherwiſe they neither would nor durſt lend any [g].

Upon this Refuſal, there appeared no other Way of raiſing Money than for the Parliament to join with the King, in granting Licence to all Manner of foreign Merchants to buy and ſell Goods all over *England*, immediately

[g] *Par Suertie ſuffiſante; mais, en autre Manere, ne vorrent nene oſent rien appreſier.* Rot. Parl. 5 *Rich.* II. Part II. No. 11.

K. *Richard* II. immediately paying half a Mark for the accuſtomed Duties and Subſidies on them till *Michaelmas* next enſuing; but this alſo not anſwering the Purpoſe, the King's Expedition was laid aſide, and nothing more done as to the War; only the Merchants of the Weſtern Parts of *England* offering to maintain a Fleet till *Michaelmas* come two Years for the Safeguard of the Sea, it was accepted.

Theſe Matters were moſt or all of the Buſineſs done at this Meeting, which make only ſeventeen Articles on the Rolls; for no Petitions for Redreſs of Grievances were preſented to the King from the Commons, probably, becauſe they granted him no Money. But one Thing, however, done at this Time, muſt not be omitted, ſince it is ſtrictly Parliamentary; which is, That the King, with the Conſent of the Lords and Commons, willeth and ordaineth, That all and ſingular Perſons, who, from henceforth, ſhall be ſummoned to Parliament, be they Archbiſhops, Biſhops, Abbots, Priors, Dukes, Earls, Barons, Bannerets, Knights of Shires, Citizens, or Burgeſſes, or any other Perſons whatſoever, that ſhall not obey the ſaid Summons and give their Attendance, without ſome juſt and reaſonable Excuſe made to the contrary, they ſhall be amerced, or otherways puniſhed, as of the antient Uſage of Parliaments it uſed to be: Alſo, That if any Sheriff of a County within this Realm, ſhould be ſo negligent as not to make due Returns of Writs of Summons, or omit, in ſuch Returns, any Cities or Boroughs that have antiently ſent Members to Parliament, he ſhall be puniſhed as was formerly by Law accuſtomed.

Anno Regni 6. 1383. At *Weſtminſter*. [371]

The next Parliament we meet with, on Record, and is alſo in the Abridgement, was called for to meet about *Michaelmas* in the ſixth Year of this King; when the King, the Prelates, and Lords, being aſſembled in the *Painted-Chamber*, the Names of the Knights, Citizens, and Burgeſſes were called over before them. After which, the Biſhop of *London*, as Chancellor, opened the Cauſe of their Meeting to be, 'For the better Defence of the Nation againſt its Enemies, and to provide Means for that Purpoſe.'

Dr.

Dr. *John Gilbert*, Biſhop of *Hereford*, by the King's Command, further explain'd the Cauſe of Summons; and propoſed two Ways to deal with the Enemies of the Kingdom; one by making uſe of the *Flemings*, who offered their Service, againſt them; and the other, to cloſe with the Offer of the Duke of *Lancaſter*, made in the laſt Parliament, who now had reduced his Demand for the Support of his Army from 60 to 43,000 *l.* K. *Richard* II.

Theſe Matters being of ſo high a Nature, the Commons, as uſual, made their Requeſt to the Lords to have ſuch as they named to conſult with them about the Charge; which was granted, and the Names of the Lords entered upon the Roll. After a Conference between the Lords and Commons they granted the King a Tenth and a Fifteenth, 'By reaſon, as they ſaid, of 'the great Danger the Nation was in from the mighty 'Preparations of the *French* King againſt them, to be 'employed as the King, by the Advice of his Council 'and the Lords of the Realm, ſhould think fit [h]. A Subſidy againſt the *French*.

Then the Duke of *Lancaſter*'s Propoſal came again into Conſideration, and the Queſtion was put to every particular Prelate, Earl, Baron, and Banneret, 'Whe-'ther they thought his Voyage into *Spain*, with the 'Number of Forces propoſed, would be for the Service 'of the King and Realm, or not?' It was agreed, 'That it might be ſo; only they believed the Force too 'ſmall to be employed againſt ſo great a Kingdom. [372]

A Religious Affair of ſome Conſequence to the Church of *England*, as then eſtabliſhed, came before this Parliament. In the laſt Seſſion there was an Act paſſed, which is now in our Statute Books, under this Title, *An Act to commiſſion Sheriffs to apprehend Preachers of Hereſy, and their Abettors, reciting the Enormities enſuing the preaching of Hereſies* [i]. This Statute had been *ſurreptitiouſly* obtained by the *Clergy*, and had the Formality of an Enrolment *without the Conſent of the Commons*. In this Parliament, therefore, that Body juſtly complained, and humbly petitioned the King, that 'Foraſmuch as that Statute was made without their Con-'ſents, and never authorized by them; and as it never was The Statute of Hereſy obtained, by Eccleſiaſtical Artifice, without the Conſent of the Commons.

h It appears by the *Statutes at large*, that this Subſidy was given, that the Money might be employed, wholly, for keeping and guarding the Seas. See *Statutes at large*, 5 *Rich.* II. p. 333.

i *Statutes at large*, An. Reg. 6 *Rich.* II. cap. v.

K. *Richard* II. ‘ was their Meaning to bind themſelves, or their Succeſſors, to the Prelates, no more than their Anceſtors had ‘ done before them, they prayed the aforeſaid Statute ‘ might be repealed, and it was done accordingly [k]:’ But, by the Artifice of the Biſhops, even this Act of Repeal was ſuppreſſed, and Proſecutions carried on, by Virtue of the former; which is the Reaſon that the other is not to be found in the Statute Books. This is a Piece of *Eccleſiaſtical Colluſion* too glaring to be overlooked by any except the Prelatical Writers of this and the laſt Age. But, for an Account of the famous Reformer *John Wickliffe*, and his Doctrines, againſt whom the beforementioned Statute was levelled, we refer to the Writers of *Engliſh* Church Hiſtory; ſince theſe Innovations in
[373] Religion were never made a Matter of Parliamentary Inquiry, in thoſe Days, except in the Act before recited [l].

It is proper here to take Notice, that a Rebellion was about this Time begun in *Flanders*. The *Flemings* had driven their Earl out of his Country; he applies himſelf to the King of *France*, as his Sovereign Lord, and they crave the like Aſſiſtance from the King of *England*. The *French* King marched an Army into *Flanders*, and ſubdued a great Part of that Country, and the Earl laid Siege to *Ghent*, which was the Head of the Rebellion, and in great Danger of being taken.

Anno Regni 6. 1383. At *Weſtminſter*. To prevent this, and to ſtop the Progreſs of the *French* King's Arms in *Flanders*, his Preparations to beſiege *Calais*, and his further Deſigns againſt *England* itſelf, another Parliament was called to meet at *Weſtminſter*, about the Middle of *Lent*, *February* 23, the next Year, which is ſtill the 6th of this King [m]. The Cauſes above were expreſſed in the Summons; and, when met, the Biſhop of *London* declared further, ‘ That the King had offered to go over in Perſon with ‘ a Royal Army; but having ſince received the News, ‘ that the *French* King had over-run all *Flanders*, except

[k] *Abridgement*, 6th of *Rich.* II. p. 285.

[l] By a Petition of the Knights of Shires this Parliament, *John Wraw*, Prieſt, who was the Ringleader of the Inſurrection in *Suffolk*, was adjudged to be hanged as a Traitor; tho' many believed he would have been bought off with Money. *Hollingſh. Chron.* p. 440.

[m] It is called in the Rolls *Pars ſecunda*, as if it was Part of the former Parliament.

'cept *Ghent*, therefore this Parliament was called for 'their Advice, whether the King ſhould go in Perſon 'to the Relief of that Town; and, if ſo, how to pro- 'vide for ſuch an Undertaking?' K. *Richard* II.

The Commons conſulted together two or three Days on the Buſineſs of their Charge; but finding it, as they ſaid, ſo great and ſo highly affecting the King's Perſon, therefore they prayed his Majeſty to grant them certain Lords, all named by themſelves, to treat with them about it. The Prelates and Peers deſired were, the Archbiſhop of *Canterbury*, the Biſhops of *Ely* and *Hereford*, the Earls of *Cambridge*, *Stafford*, and *Northumberland*, the Lords *Nevile*, *Fitz-Walter*, and *Cobham*, which was granted by the King, *although*, as the Record mentions, *it was*, *is*, *and*, *ought to be*, *in the Election of the King to aſſign ſuch Biſhops and Lords as he ſhould think fit, or others of his own proper Nomination* [n]. A Conference between the two Houſes, concerning the King's going in Perſon againſt the *French*.

[374]

When this Committee of Lords had conſulted with the Commons for ſome Time, the latter appeared before the King and the whole Houſe of Peers, and, by Sir *James Pickering*, then their Speaker, made the uſual Proteſtation and declared, 'That the King's Paſſage, 'and the ordering of his Voyage, or any other great 'Voyage, belonged not to them, but to the King 'himſelf, and Lords of his Council; yet, by Way of 'Advice, conſidering what Troubles were in the Land, 'that the Truce with the *Scots* was near expiring, and 'they were raiſing great Forces near the Borders, and 'it being doubtful whether they would now comply 'with any Propoſals of Peace or Truce, unleſs driven 'to it; therefore they thought that neither the King, 'nor any of his three Uncles of *Lancaſter*, *Cambridge*, 'or *Buckingham*, could be ſpared out of the Kingdom, 'untill that and the Borders aforeſaid was well quieted and 'ſettled. They rather adviſed him to accept of a Pro- 'poſal made by the Biſhop of *Norwich* of raiſing 3000 'Men at Arms and 3000 Archers, well mounted, with 'whom he purpoſed to relieve *Ghent*, reduce *Flanders*, 'and afterwards to carry the War into *France*; provi- 'ded Sir JAMES PICKERING, Speaker, declares againſt it.

[n] *Combien que feuſt, eſt, et doit eſtre, en le Election de noſtre dit Seigneur le Roy d'aſſigner a ce le dits Prelates et Seigneurs iſſint nomez, ou autres a ſa propre Nomination.* Rot. Parl. 6 *Rich.* II. p. 2. N°. 8.

K. *Richard* II.

'ded he was allowed the Fifteenth and the Tenth, granted by the Laity and Clergy, with the two Shillings a 'Tun upon Wine, and Sixpence in the Pound upon 'Merchandize for the Guard of the Sea.'

The Commons petition the King to regulate his Houſhold, &c.

Amongſt their Petitions in this Parliament the Commons prayed the King, 'That for his Honour and 'Profit, with the Quiet and Comfort of themſelves, of 'his great Grace he would pleaſe to command, that certain Lords might be aſſigned to be about his Perſon, 'out of the moſt wiſe, honeſt, and diſcreet Perſons in the 'Kingdom, to adviſe and counſel him; and further, 'that he would pleaſe, by the Advice of the Lords, 'ſo to order his Houſhold, that he might live on the 'Revenues of the Crown; and that the Subſidy on 'Wooll, with the Money ariſing from the Marriages [375] 'and Eſcheats, might be wholly employed to ſupport 'the War.'

The King anſwered, 'That he would take ſuch 'ſufficient Perſons, Lords and others about his own 'Perſon, as appeared to him moſt for his Honour and 'Profit; and as to the Government of his Houſe, it 'ſhould be done by the Advice of the Lords and others 'of his Council, as, ſaving his Honour, ſhould ſeem beſt 'to them.'

The Propoſal of the Biſhop of *Norwich*, mentioned above, was on a very extraordinary Occaſion, and deſerves our Notice. It has alſo been ſaid that, at that Time, there was a great Schiſm in Holy Church, two Popes having been elected, and each ſupported by different Nations and Factions. One of them, who called himſelf *Urban* the Sixth, had ſent Bulls into *England* for a Cruſade, to ſign all with the Croſs that would go with him into *France*, for the Deſtruction of the Antipope, who alſo ſtiled himſelf *Clement* the Eleventh [o]. By virtue of theſe Bulls, ſent to the Biſhop of *Norwich*, and by him publiſhed all over *England* [p], that Prelate collected a great

The Papal Chair in Conteſt between *Urban* VI. and *Clement* XI.

[o] The anonymous Noble Author of this King's Life, before quoted, ſays that this was obtained by *Urban*'s complimentary Letters to the King and his Parliament, and his honouring our Biſhop of *London* with a Cardinal's Cap. Page 58.

The King's Letters Patent to confirm theſe Bulls are in *Fœd. Ang.* Tom. VII. p. 252.

[p] The Orders of the Biſhop from the Pope, for taking or contributing toward this Cruſade, are publiſhed at Length, in *Knyghton*, Col. 2673. *Gallice.*

great Sum of Money; beſides Jewels, Necklaces, Bracelets, Rings, Diſhes, Spoons, and other Silver Implements, which the Ladies and other Devotees gave to purchaſe Heaven and to obtain the Benefit of Abſolution and Pardon for all Tranſgreſſions [p]. Nor were the Men unmindful of their own Salvation in this Way, for many of them, as was believed, gave beyond their Abilities, in order to make their Abſolution more valid; ſome found Men at Arms, others Archers, and ſeveral were ſo zealous as to ſerve in their own Perſons. The Form of the Abſolution itſelf is alſo worth the Reader's Notice; tranſlated from the Original [q]. K. *Richard* II. [376]

By Apoſtolic Authority to me committed, I do abſolve thee A. B. *from all thy Sins which thou doſt with a contrite Heart confeſs, or would confeſs if thou didſt remember them; and I give thee a full Remiſſion of them, the Retribution of the Juſt; and I do promiſe thee Increaſe or Addition of eternal Salvation. And I grant to thee the ſame Privileges that are granted to ſuch as go to the Defence of the* Holy Land; *and do impart to thee the Prayers and Suffrages of the Holy Catholic Church.* Pardons and Indulgences granted by the former to all who would engage in his Quarrel,

But, to give the greater Credit to this ſanctified Cauſe, the Conſent and Aid of Parliament was thought abſolutely neceſſary; and the Biſhop, on further Conſideration, mended his Bill, and made a ſecond Propoſal to the Houſes; which was, 'To ſerve the King, one whole 'Year, with 2500 Men at Arms, and an equal Number 'of Archers, well arrayed and mounted, for the whole 'Fifteenth granted by the Laity. Of which Number '1000 Men at Arms, and as many Archers, ſhould be 'ready to paſs the Sea for the Relief of *Ghent* and the 'Country of *Flanders*, within twenty Days after the firſt 'Payment; and that he would take upon him to pay the 'Charge of Shipping, and all other incident Expences.

This laſt Propoſal was agreeable to the King, his Council, and both Houſes of Parliament; and ſince *France*, with the Earl of *Flanders*, were intirely in the Intereſt of the Anti-Pope, they were in Hopes that ſome great Advantage might be made of this Expedition in the *French* War, which ſtill continued.

[p] Such a Frenzy as this took the Women in a much later Reign, as is humorouſly deſcribed in *Hudibras*.

[q] Dr. *Brady*'s *Append.* N°. 105.

K. *Richard* II.

A Noble Hiſtorian writes, That the Affair was warmly debated in Parliament, whether it was ſafe to hazard ſo conſiderable a Strength of the Kingdom in ſuch an impertinent Quarrel, and under the Conduct of a raſh unexperienced Prieſt? Thoſe that were for it, beſides the Intereſt of Religion, urged Reaſons of State; *That now was the Time for the King to recover his Right in* France, *and weaken the* French *King, whilſt he lay under Pope* Urban's *Curſe for ſiding with* Clement, *during which he could expect no Succeſs on his Arms.* Thus, for ſome Time, it was doubtful which Way the Parliament would incline [r]; but, at laſt, upon hearing that *Antiphone* ſung, at *High Maſs, Ecce Crucem Domini, fugite Partes adverſæ*, 'Behold the Croſs of the Lord, fly ye Adverſaries,' they were, as with a Charm, brought over to decree in Favour of the Expedition [s]. But though the Biſhop paſſed over with his Army, and had ſome conſiderable Succeſs at firſt, yet, in the End, as may be ſeen in our general Hiſtorians, this Pontifical War concluded with no great Honour either to the Prelate the Leader of it, or to the Nation [t].

[377]

And an Army rais'd, by Conſent of Parliament, for the Service of Pope *Urban*, under the Command of the Biſhop of *Norwich*.

Before the Biſhop's Return from this extraordinary Cruſade, Writs had been ſent out to call a new Parliament to meet on the *Monday* next before the Feaſt of *All Saints*, 1384. The Cauſe of Summons was in ſome Meaſure expreſſed in the Writs [u], 'That, by Advice and 'Aſſent of the Council, a Parliament was called for their 'Mediation and Aſſiſtance in a Treaty of Peace then in 'Agitation between the King, his Kingdom, and Sub-'jects, on the one Part; and *Robert* King of *Scotland*, his

[r] The determining which of the two Popes had the better Claim to St. *Peter*'s Chair, and conſequently the aſcertaining the Center of Infallibility, ſeems at this Time alſo to have depended on a Vote of the *Engliſh* Parliament.

[s] *The Life and Reign of* Richard II. *by a Perſon of Quality*, p. 65.

A Liſt of the Principal Warriors, who engaged with the Biſhop in this Holy Cauſe, may be ſeen in *Hollingſhead*'s *Chron.* p. 441, 442.

This Biſhop had given Proof of his Courage in the laſt Rebellion, by attacking, in Perſon, the Rebels in *Norfolk*, and utterly ſuppreſſing them. *Speed*'s *Chron.* p. 596.

[t] Mr. *Tyrrel*, who has hitherto traced Dr. *Brady* very cloſely in all his Parliamentary Proceedings, has wholly, without aſſigning any Reaſon, omitted the two laſt Parliaments. It is not eaſy to account for this, unleſs ſome Expreſſions, on the Side of the Prerogative, gave Offence.

[u] See the Names of the Peers ſummoned to this Parliament in th *Abrid.* p. 289.

'his Lands, Dominions, and Subjects, on the other; K. *Richard* II.
'and for other difficult and urgent Business, which con-
'cerned the King, the State and Defence of the Realm, [378]
'and the *English* Church.'

At the Meeting, the famous Sir *Michael de la Pole*, Anno Regni 7:
then Lord-Chancellor of *England*, opened the Session by 1384.
a Speech, excusing, first, his own Unworthiness to the At *Westminster*.
Place he possessed, and declaring that he was *forced to accept of it*; after which he acquainted the Houses [w], 'That the Truce which had been concluded with the 'Scots was to end at *Candlemas* next; that the Duke 'of *Lancaster*, who had been sent to renew it, was re-'turned, and had brought back Word that the *Scots* 'would send Commissioners to *London* to manage the 'Treaty. A second Cause was to provide, as well as 'they could, against three powerful Enemies, *Spain*, '*France*, and *Flanders*. And here he offered several Rea-'sons to prove that it was better for us to begin and make 'War upon them, than they upon us, or suffer them to 'invade us.' And further observed, 'That these Wars 'were not to be imputed to the King, for they had de-'scended to him with the Crown. He desired that Care 'might be taken for the Maintenance of good Laws, and 'Security of the Peace. And, lastly, put the Commons 'in Mind of an Aid to support these great Charges.'

The Chancellor then addressed himself, particularly, to the Lords, and told them, 'That the King com-'manded them to have a due Consideration of the neces-'sary Matters that had been declared to them; the ap-'parent and insupportable Mischiefs that threatened all, 'and the great Necessity the King had for Money to 'prevent them. That they should treat diligently of 'these Things, by themselves, with as much Speed as 'might be; and, laying aside all Animosities, they were 'to report their Advice, from Time Time, to the King.' And added, 'That his Majesty commanded them to 'sit from Day to Day, to dispatch what they came 'for, and not to depart from Parliament without his 'special Licence, under the Penalty that might en-'sue.'

[w] This whole Speech deserves translating, for the Rarity and Singularity of it, but that it is much too long for our Purpose.

K. *Richard* II.

[379]

Hereupon the Lords and Commons took into Conſideration the extraordinary Charge the King was to be at, by reaſon of the War then open on every Side, and granted two Half-Fifteenths with Tonnage and Poundage as before, upon Condition that the Clergy would contribute and grant what became them; which they did accordingly.

Two Noblemen, the Earls of *Northumberland* and *Devonſhire*, propoſed to the King to be his Admirals, and to keep the North and Weſtern Seas in Security, ſo that they might be allowed the Monies ariſing from the Grant of Tonnage and Poundage for that Purpoſe; but not otherwiſe [x].

The Biſhop of *Norwich* fined for his Military Miſconduct;

In this Parliament the Biſhop of *Norwich* was accuſed by the Commons, and ſeveral Articles were exhibited againſt him, for his Miſcarriages in the late Expedition. The greateſt of which was, that he had promiſed to ſerve the King with a certain Number of Men for a whole Year, and ſerved but half a Year, and then returned with his Army quite broken. This Article he could not clear himſelf of, and therefore was adjudged to make Fine and Ranſom at the King's Pleaſure, and the Temporalities of his Biſhoprick to be ſeized for that Purpoſe; and thus ended this Piece of Eccleſiaſtical Knight-Errantry [y].

As alſo ſeveral of his Officers.

Sir *William Ellinſham*, Sir *Thomas Trivet*, Sir *Henry de Ferrers*, and Sir *William Harrendon*, were all likewiſe accuſed before this Parliament, for receiving Money for the Delivery of ſeveral Fortreſſes to the *French*; the Sums in the whole, amounting to 20,000 *Franks* in Gold. They all made trifling Excuſes againſt the Charge, and craved the King's Mercy; ſo the Chancellor pronounced Sentence, 'That they ſhould refund 'what they had received to the King, and remain in 'Priſon

[x] *Walſingham* writes, That in this Parliament the Nobility and Gentry of the Northern Counties requeſted that ſome Part of the Subſidies granted to the Crown might be aſſigned to them, becauſe the Guard of the Country againſt the *Scots* was put upon them. But they were anſwered, That they were ſufficiently rewarded for that Service already; that by their Tenures they were bound to ſecure the Marches, and had their Eſtates granted them chiefly on that Condition. *Walſingham*, p. 307; *Collier*'s *Eccleſ. Hiſt.* Vol. I. p. 582.

[y] The Name of this warlike Biſhop of *Norwich* was *Henry le Spenſer*. For the Biſhop's Accuſation by the Chancellor, and his Anſwers to them, ſee the *Abridgement*, p. 192.

'Priſon till they made Fine and Ranſom to him at his 'Pleaſure.' K. *Richard* II.

In Reference to the *Scots* Affairs, at this Time mentioned by the Chancellor, it is proper to take Notice, that though it was promiſed the Duke of *Lancaſter*, in *Scotland*, that they would ſend Commiſſioners to *London* to treat about a Peace, yet none came for that Purpoſe; but, on the contrary, the *Engliſh* Government was informed that the *Scots* had made ſeveral Inroads into the Borders, and had actually received a conſiderable Reinforcement from *France* for greater Enterprizes. On which Intelligence the King and Council thought fit to make Preparation for War on their Side; which the *Scots* hearing of, ſent their Commiſſioners at laſt, but their Offers were now rejected, and they returned home again *Re infecta*. [380]

The War being again begun by the two Nations, another Parliament, ſays Dr. *Brady*, (but Mr. *Tyrrel* will have it only a great Council of the Nobility) met at *Saliſbury*, *April* 29, 1385, but which was ſtill in the 7th Year of this King. We know not on what Account the latter calls it a Council, for if he had conſulted the Records, he would have found ſufficient Reaſon to have called it a Parliament[z]: For there we are told, That, on *Thurſday* the 29th of *April*, the King in Perſon, with all the Biſhops and Lords, except ſuch as were again with the Duke of *Lancaſter* in *Scotland*, and all the Commons, met in the Great Hall of the Biſhop's Palace in *Saliſbury*, which was richly adorned and ſet off upon the Occaſion. Then Sir *Michael de la Pole*, Lord-Chancellor, by the King's Command, declared the Cauſe of the Summons to be, Anno Regni 7. 1385. At *Saliſbury*.

Firſt, 'For the Maintenance of the Church's Liberties, 'the Preſervation of the Laws and the Peace.' *Next*, he told them, 'That there had been a Treaty of Peace 'tranſacted between *England* and *France*, of which, 'at a proper Opportunity, he ſhould ſhew them the 'Articles; which, although the King might have con-'cluded without acquainting them, yet he rather choſe 'to do it with their Knowledge and Conſent.' He added, 'That if the Peace was to take Effect, yet it

z Rot. Parl. 7 *Rich.* II. here again called *Pars ſecunda*; we ſuppoſe it is ſo for being two Parliaments in one Year.

K. *Richard* II. ‘could not well be ratified without a Meeting of both the ‘Princes; which, for their own Sovereign's Honour, ‘required no ſmall Charge. Beſides, the King had ‘been at great Expence in defending the Nation againſt ‘the *Scots*, in ſecuring the Sea-Ports beyond Sea, and [381] ‘the Safety of *Guienne* and *Ireland*; and how all this ‘was to be borne, he charged them, on their Allegiance, ‘to conſult and give their Anſwer.’

The Triers of Petitions being ſettled, as uſual, the Commons came before the King in Parliament, and requeſted that certain Lords, there named, might be granted to them for Conference: Hereupon the Duke of *Lancaſter*, with other Peers juſt then coming into Parliament, they beſought the King that the ſaid Duke, and his Brothers of *Cambridge* and *Buckingham*, might be of the Number; which was granted.

After which the Lords and Commons gave the King a Moiety of a Tenth and of a Fifteenth; providing further, that if the Wars with *Scotland* and *France* did continue, then the King ſhould have the other Moiety of a Fifteenth, ſo that the Clergy ſhould tax themſelves accordingly; and, if a Peace was made, then the laſt Moiety ſhould ceaſe.

A Subſidy granted againſt *Scotland* and *France*.

The Commons, in their Anſwer to the Articles of Peace, ſaid, ‘That it did not beſeem them to give Ad‘vice therein; and therefore referred the whole Order‘ing thereof to the King and his Council.’ But, being urged to ſay whether they deſired Peace or War, for one of them muſt be choſen; they anſwered, ‘An ho‘nourable Peace for the King; but, becauſe there were ‘contained in the Articles many Terms of the Civil ‘Law which they did not underſtand, and that it was ‘ſtipulated in them that the King ſhould hold *Guienne* ‘of the *French* by Homage and Service, they knew not ‘how to adviſe; only they hoped that the King intended ‘not to give up *Calais* and other Territories, gained ‘from the *French* by the Sword.’ To this it was ſaid, ‘That Peace could not otherwiſe be had, and therefore ‘again preſſed them to declare for Peace or War.’ At laſt the Commons anſwered, ‘That, if they were in the ‘King's Place, they ſhould much rather chuſe Peace[1].

In

[1] *S'ils feuſſent en l'Eſtat du Roi, ils faccorderoient a la Paix pluis toſt que a la Guerre.* Rot. Parl. 7 *Rich.* II. Pars ſecunda, N°. 18.

In this Parliament it alſo was that a *Carmelite* Friar [m], and Batchelor of Divinity, appeared, according to *Walſingham*, and charged the Duke of *Lancaſter* with a Deſign to kill the King and uſurp the Kingdom. The Duke deſired that the Friar might be ſecured untill he made good the Accuſation againſt him. Hereupon the Man was confined; but, the Night before he was to appear again to juſtify what he had ſaid, he was barbarouſly murdered in Priſon. The Duke had Intereſt enough at Court to get the Matter in ſome Sort made up; and the Friar's Body, the next Morning, was dragg'd thro' the Streets at a Horſe's Tail, like a Traitor's, and as a *Felo de ſe*, to take off all Suſpicion of a Murder [n]. K. *Richard* II. [382]

Whether the King was ſatisfied with the Duke's Innocency, or not, does not greatly appear; but it is certain that, not long after, the King and Council had a Deſign to have arraigned the Duke, on ſeveral Articles of Treaſon, at the King's-Bench Bar, before Sir *Robert Treſilian*, the Lord Chief Juſtice, whereas he ought to have been tried by his Peers: But the Duke, being aware of it, retired to his Caſtle of *Pontfrete*, victualled and manned it, and ſtood upon his Guard; on which the Deſign was fruſtrated: But the Reader may obſerve that ſome flagrant Jealouſies were then between the Nephew and Uncle; which ceaſed not during this Reign, but broke out to ſome Purpoſe at the End of it, by a Son of this Duke of *Lancaſter*.

But notwithſtanding what *Walſingham* has aſſerted of the Story above, and as he was living near this Time we may the more readily credit it, yet there is not one Word of it entered on the Rolls; and it is no Wonder, ſince, as the Duke had Intereſt enough to ſtifle a Murder, he ſurely could prevent any Part of the Accuſation appearing upon Record.

But it was not ſo with the then Lord-Chancellor of *England*, Sir *Michael de la Pole*; a long Account of an Accuſation againſt him being entered in the Proceedings of this Parliament. The ſhort of the Matter is this; one *John*

[m] Named *John Latimer*. *Stowe*, 297.

[n] The Manner how this Murder was acted was ſo barbarous as is almoſt beyond Belief. *Stowe*, 297. *Holling ſhead*'s *Chron.* 445. But all from *Walſingham*, *ſub hoc Anno*.

K. *Richard* II. *John Cavendiſh* of *London*, Fiſhmonger, having a Suit in Chancery, and being deſirous, we ſuppoſe, to gain his Cauſe the neareſt Way, talked to one of the Chancellor's Chief Clerks, *John Otere*, about it; who, upon a Promiſſory Note of 40 *l.* to his Maſter, and 4 *l.* to himſelf, engaged to get his Buſineſs done for him. But the Fiſhmonger waiting a long Time after paying the Money, and finding no End of his Cauſe, grew uneaſy, and, at laſt, actually accuſed the Lord-Chancellor for taking Bribes, in open Parliament. The Chancellor denied the Charge, and, in a long Defence, ſhew'd the Improbability of it, and took a ſolemn Oath before the Lords, that he was wholly innocent of the Matter. At laſt it came out the Clerk was only to blame; who had practiſed on the Fiſhmonger, and kept the Money to his own Uſe. The Lords, being buſy about much greater Affairs, referred the Puniſhment of it to the Judges; who, after Trial, fined the poor Fiſhmonger 1000 Marks, and to lye in Priſon till he paid it, for ſlandering ſo great an Officer of the King; but what became of the Clerk we know not[o].

Anno Regni 8. 1385. In the ſame Year as the laſt, 1385, but in the 8th of this King, another Parliament was called to meet at

At *Weſtminſter*. *Weſtminſter* on the Morrow after St. *Martin*, or the 12th of *November*; when, in the Preſence of the King, the Lords ſitting, and the Knights and Burgeſſes ſtanding, the ſame Lord-Chancellor, as before, put them in Mind 'of the King's great Care of the Church, Commons, 'and Laws of *England*;' and further told them, 'That 'the Nation was ſtill environed with Enemies, the '*French*, *Spaniards*, *Scots*, and *Flemings*[p]; and that 'the chief Cauſe for calling this Parliament was to 'provide for the Safety and Defence of the Kingdom; 'and to conſider how this Proviſion might beſt and moſt 'ſpeedily be raiſed, ſo that the poor People might be 'leaſt

[o] This Sentence is not on the Rolls, but is annex'd to them by a Schedule, put there, no doubt, by the Chancellor's Order. See *Abridgement*, p. 300.

[p] The Opening of this Parliament and the Chancellor's Speech is turned into *Latin*, which we have not before met with. In ſpeaking of the Kingdom's different Enemies, he ſays, Collect. *vero Populi multitudine*; Hiſpanis *qui Galcis*; *ac* Flandrenſibus *qui greſſis novibus vehementer abundant*; *ac* Scotis *qui Regnum Angliæ ſecuro Pede intrare poterunt*, &c. Rot. Parl. 9 *Rich.* II. N°. 2.

'least burdened by it.' He acquainted them, 'That 'the King would go in Person, for the Defence of the 'Kingdom, against any Enemy, by the Advice and 'Consent of Parliament.' He then took Occasion to tell them 'of the base Treachery and Falshood of the 'French; who, in the last Treaty of Peace at *Calais*, 'had gone from their own Offers; which, he added, 'was a good Cause of Assurance to the *English*, in so 'just a Quarrel, to look for Victory.' The Chancellor concluded with observing to them, 'That four Ways, 'or Means, would greatly further and speed this Con-'sultation; 1*st*, To be early in the House; *next*, To 'repell all envious Passions; 3*dly*, To begin always on 'the most needful Inquiries, and to direct them without 'Mixture of any others; and, *lastly*, To avoid all main-'taining.' K. *Richard* II. [383]

These Things being maturely considered, the Lords and Commons granted the King, for the Defence of the Realm, the Safeguard of the Sea, and Marches of *Scotland*, and for that the King intends to go in Person against his and their Enemies, this being his first Voyage, two Fifteenths; one to be paid at *Lady-Day* next coming, and the other at *Midsummer*, upon Condition that the last Half-Fifteenth, granted at *Salisbury*, should not be paid; and in Case the King did not go in Person against his Enemies, or that a Peace or Truce should be made with them, then the latter of these two Fifteenths should not be levied. A farther Supply for the same Purpose.

In this Parliament the famous Lady, who was the supposed Concubine of the late old King, *Alice Perriers*, or *Pierce* [q], but now the Wife of Sir *William Windsor*, petitioned to have the Sentence and Ordinance made against her in the 50th Year of *Edward* III. and the Judgment and Statute made in Pursuance thereof in the first of this King, to be repealed, and that she might be restored to all her Lands and Tenements. This was granted by Assent of the Lords and Commons, so as the Gifts and Grants, already made by the King, of any of The Sentence formerly passed against *Alice Pierce* reversed.

[q] *Barnes* bestows near a whole Page, in his *Life of* Edward III. in Vindication of this Lady's Honour. He allows her Ladyship to have been a very great Favourite, but not a Concubine; which, from the great Age and Infirmities of the King, may reasonably be granted. Old King *David* had a young Damsel lay in his Bosom.

K. *Richard* II. of her Lands, Tenements, and Houſes, might remain in Force.

Notwithſtanding the Subſidies granted for carrying on the Wars, we do not find that any Martial Exploits worth Notice were performed this Year, the King not going abroad as was declared in Parliament: And even in the War between *England* and *Scotland*, there were only on each Side Invaſions, with burning and plundering each other's neighbouring Countries.

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However, the next Year produced more Action, and a formidable Army was raiſed here, which the King was to march at the Head of; in the mean Time the Duke of *Lancaſter* was ſent before with a good Force to ſecure the Borders. About the Beginning of *Auguſt* the King enter'd *Scotland*, but to little Purpoſe; for either he could not find the *Scots* at all, or at leaſt could not follow them, for they had retired into the Woods, Bogs, and Faſtneſſes in the Highlands, and had driven up their beſt Cattle, *&c.* with them. The King finding the Country abandoned, contented himſelf with burning the City of *Edinburgh*, with ſeveral other Towns, and deſtroying their Country. But it is poſſible the *Scots* Nation would have received a much ſeverer Blow from the *Engliſh* Arms at that Time, had not the Jealouſy between the King and his Uncle *Lancaſter* prevented the former from following any Advice the other could give him.

The King marches into *Scotland*.

But what brought the *Engliſh* Army ſooner home, was, in order to defend their own Territories from an Invaſion, which was more than threaten'd from *France*; for the *French* King had actually provided a mighty Fleet and a Land Army, which were ready at *Sluys*, in *Flanders*, and had certainly made the Attempt whilſt *Richard* was abſent, if ſome unforeſeen Accidents, relating to the *Flemiſh* Wars, had not prevented it [r]. Hereby a Stop was put to the Naval Expedition for this Year; and, though he re-aſſumed it the next, it was with no better Succeſs than the former.

At

[r] *Froiſart*, who lived at that Time, ſays, That the *French* King's Navy conſiſted of 1287 Ships; and adds that, ſince God created the World, there were never ſeen ſo many great Ships together. The Army this Fleet was to carry over, conſiſted of 16 Dukes, 26 Earls, 200 Lords, 3600 Knights, and 100,000 fighting Men. *Froiſart*, cap. 53. Book ii.
Stowe's Chron. p. 300.

At the King's Return from *Scotland* a Parliament was called to meet on *Friday* after St. *Luke*'s Day, or about the 20th of *October*, in the ninth Year of this King's Reign, and there never was a greater Occasion for a Parliament to be called. On the Day of their Meeting Sir *Michael de la Pole*, then Earl of *Suffolk*, and still Chancellor of *England*, opened the Session, in the Presence of the King and the other Estates, to this Purport: 'That the Nation, being assaulted on every Side by most 'mortal Enemies, it was their Business to consider how 'it might best be defended and preserved. The good 'Government and Defence of the Realm, he said, might 'be effected four several Ways; of which two were 'foreign, and the other two domestic. The home Affairs were concerning the Staple and the current Coin 'of the Kingdom. The other were, how they might 'best defend themselves, and how the War was to be 'best supported and maintained. For the Staple, he 'thought it best that the same should be planted within 'the Realm; since it was evident that the Burgesses of 'Calais, and other Towns abroad, were grown very 'rich thereby, whilst several good Towns within the 'Kingdom were very much decayed, by which the 'common Profit was abated: For he affirmed that the 'Subsidy on Woolls yielded more to the King, when 'the Staple was kept in *England*, by 1000 Marks yearly, 'than it had done when held abroad. As to the Coin, 'he said, That, considering how good it was, all Nations were greedy of it, and conveyed much over; he 'advised it, as the best Way, to raise the Value. That 'the Nation might be best defended by pursuing the 'Enemy with a vigorous War; and, for many Reasons, 'he told them, That it was better to seek than to be 'sought after; wherefore, of Necessity, a Subsidy was 'to be granted, such as might be equal to the Occasions 'of the Government.

K. *Richard* II. [385] Anno Regni 9. 1386. At *Westminster*.

It must be allowed that this Chancellor has spoke more like a Statesman, ever since we had Occasion to mention him, than most of his Predecessors. This Sir *Michael de la Pole* was the Son of a Merchant, and bred to the Business; and, tho' afterwards raised to be Prime Minister, yet he seems, by his Education, to have learn'd the true Interest of the Kingdom: But, being envied in

it

K. *Richard* II. [386]

it by the old Nobility, though he arrived this Parliament at the Heighth of his Ambition, yet he fell in the next, and is one terrible Example, amongſt many more, of ſuch ſlippery Stations.

However, upon the Chancellor's Motion, the Lords, Great Men, and Repreſentatives of Counties, Cities, and Burghs [s], granted to the King, for the Voyage of *John* King of *Caſtile* and *Leon* and Duke of *Lancaſter*, into *Spain*, for the Safe-keeping of the Sea and Marches of *Scotland*, a full Tenth and a Fifteenth, and half a Tenth and Fifteenth, the former to be paid at *Candlemas*, and the latter at *Midſummer* next. There were appointed particular Treaſurers, by Parliament, for the Receipt of this Subſidy, with Superviſors to ſee it laid out; and this Voyage into *Spain* was declared to be 'by the Agree-'ment and Conſent of the King, Prelates, Noblemen, 'and Commons, in full Parliament aſſembled' [t].

A Subſidy to carry on the War.

It was ordained alſo, at the ſame Time, That the Subſidy on Wooll and Leather, granted by the laſt Parliament to the Feaſt of St. *John Baptiſt* next coming, ſhould then ceaſe till the Feaſt of St. *Peter ad Vincula* following: And that, at the ſaid Feaſt, a new Subſidy, granted by this Parliament, ſhould take Place; that is to ſay, of every Sack of Wooll, above the old Cuſtom, 42*s.* 4*d.* of Natives, and 46*s.* 8*d.* of Aliens, and of Wooll-fells and Leather, according to the ſame Rate.

The anonymous Author of the King's Life mentions a Diſpute which happen'd between the Clergy and Laity in this Parliament; it ſeems the latter granted the King the Subſidies above, on Condition that the other ſhould give a Tenth and a Half. This Way of articulating the Clergy reſented, and proteſted that the Laity ſhould not charge them; nay, the Archbiſhop of *Canterbury* [*Courtney*] was ſo hot as to ſay, *That he would venture his Head in this Cauſe, rather than the Holy Church of* England *ſhould thus truckle:* Whereupon the Commons and many Temporal Lords began to bid Battle to the Clergy's Temporalities; ſaying, 'That they were grown 'to that Exceſs of Pride, that it would be a Work of 'Piety

Debate between the Clergy and Laity concerning the Supply.

[s] *Memorandum, Quod Domini, Magnates, et Comunitates Comitatuum, Civitatum, et Burgorum conceſſerunt Domino Regi, &c.* Rot. Parl. 9. *R.* II. No. 10.

[t] *Knyghton* ſays, That the King, *Conſenſu Parliamenti*, in Aid of this Expedition, gave 40,000 Marks out of his own Treaſury. Col. 2676.

'Piety and Charity to clip their Wings, and reduce them 'to an Humility suitable to their Profession.' The Clergy at this were not a little alarmed, and, to prevent the worst, made a voluntary Grant of a Tenth, by which the Dispute ceased [u]. Thus far our Noble Historian; but *J. Stowe* tells us another Story. He writes, That the Knights and Commons were so sure of carrying their Point against the Clergy, that they were for dividing the Temporalities of all the rich Abbies amongst them. *Walsingham* says, That he himself heard one of the Knights swear deeply, That he would have a thousand Marks a Year out of the Monastery of St. *Alban's*. And, adds he, the King, upon hearing the inordinate Demands of one Side, and the just Defence of the other, threw out the Bill; saying, 'That he was resolved to 'leave the Church in as good an Estate, or better, than 'he found it.' After this, the Clergy made a free Gift of a Tenth to his Majesty, for which, he said, he was more obliged to them than for any Thing given by Compulsion [w]. K. *Richard* II. [387]

In the last Expedition into *Scotland* the King had created some new Dignities, which, according to the Custom of those Times, were used to be confirm'd and the Patents enrolled in Parliament. *Edmund* Earl of *Cambridge*, the King's Uncle, was confirmed Duke of *York*, and had a Pension of 1000 *l.* a Year assigned him and his Heirs Male out of the Exchequer to support his Dignity, untill the King could settle Lands upon him of like Value. *Thomas* Earl of *Buckingham* and *Essex*, the King's other Uncle, having been created Duke of *Gloucester*, was confirmed in it, and had a like Pension and Assignment made him as his eldest Brother [x]. Also *Michael de la Pole*, made Earl of *Suffolk*, had some lesser Grants passed to him [y]. Lastly, *Robert de Vere*, Earl of *Oxford*, the Grants and Promotions.

[u] *The Life of* Richard II. *by a Person of Quality.*

[w] *Knygbton*, col. 2635. *Walsing.* 120. *Stowe's Chron.* 299. *Speed's Chron.* 600. *Sam. Daniel* in *Kennet*, p. 254.

[x] The Preamble to both these Patents [in *Latin*] are in the same Words, but very elegant for those Times.

[y] He had a Grant of 20 *l.* a Year out of the Farm of that County, and 500 *l.* a Year out of the Estate of the former Earl, which had escheated to the King for want of Heirs, after the Decease of the Queen and *Isabel Ufford*, Countess of *Suffolk*. *Brady*, p. 363. *Tyrrel*, by Mistake of a Cypher, makes this last Grant but 50 *l.* with several other Manors and Lordships. Rot. Parl. 9 *Rich.* II. N°. 16.

K. *Richard* II. the King's Favourite, was now, by an unusual Title, created Marquis of *Dublin*; and was confirmed in that Title, together with all the Revenues of *Ireland*, &c. except some Royalties reserved to the Crown, and paying 5000 Marks yearly into the Exchequer.

It was now, also, that *Roger Mortimer*, Earl of *March*, was declared, in Parliament, *Presumptive Heir to the Crown*, in Case that *Richard* died without Issue. This Earl was the Son of *Philippa*, only Daughter to [388] *Lionel* Duke of *Clarence*, third Son to *Edward* III.[y], the second, *William* of *Hatfield*, dying young. The Descendants of this Earl claimed the Crown afterwards, under the Title of the House of *York*; which occasioned much Mischief and Bloodshed throughout the whole Kingdom.

In this Parliament the Commons petitioned the King, 'That the State of his Household might be looked into 'and examined every Year, by the Chancellor, Treasurer, and Clerk of the Privy-Seal, and what was amiss 'to be mended at their Discretion. And also that the 'antient Statutes made concerning the Household might 'be kept, and duly executed in all their Points.'

To the first Article of the Petition the Answer was, *The King will order it when he pleaseth.* To the second, *Le Roy le voet*, or the King consenteth.

The Commons desired to know, *Who should be the King's chief Officers and Governors of the State of the Kingdom?* The Answer was, *The King hath Officers sufficient at present, and will change them at his Pleasure.*

It was also enacted, in this Parliament, That all Lords and other Persons who have Lands on the Marches beyond the River *Tyne*, should live upon them; saving, that the King may shew Favour to whom he pleaseth in that Matter. And, as the Chancellor directed, the Staple of Wooll, which was at *Calais*, was also ordered to be kept in *England*, in such Place as the King and his Council should think meet.

In this Parliament *Thomas Arundele*, then Bishop of *Ely*, applied to the King, to make Restitution of the Temporalities to *Henry Spenser*, Bishop of *Norwich*, which had been seized into the King's Hands in the last Parliament. This

[y] *Fabian's Chron.* Fol. CXLIV. *Hollingshead's Chron.* p. 448. *Pol. Virgil, Lib.* xx. p. 411. *Rapin*, Fol. Ed. p. 462. But, after all these Authorities, this Declaration is not entered on the Rolls of this Parliament.

This was warmly oppoſed by the new Earl of *Suffolk*, Lord-Chancellor, who roſe up and ſpoke to the Biſhop of *Ely* in this Manner, 'What is that, my Lord, that 'you aſk of the King? Seems it to you a ſmall Matter 'for him to part with that Biſhop's Temporalities, when 'they yield to his Coffers above a Thouſand Pounds a 'Year? Little Need hath the King of ſuch Counſellors, 'or ſuch Friends, as adviſe him to Acts ſo greatly to 'his Diſadvantage.' To which the Biſhop of *Ely* ſmartly replied, 'What ſays your Lordſhip, my Lord '*Michael?* Know, that I aſk not from the King what 'is his own, but that which he, drawn thereunto by 'you, or ſuch as you are, with-holds from other Men, 'upon none of the juſteſt Titles, and which, as I think, 'will never do him any Good. As for yourſelf, if the 'King's Advantage be the Thing you drive at, why 'did you ſo greedily accept of a Thouſand Marks a 'Year, at the Time he created you Earl of *Suffolk?*' The Chancellor, adds our Authority, was hit ſo home, by this round Retort, that he offered no further to croſs the Reſtitution of the Biſhop's Temporalities [z]. But, had it not been for the Subſidy granted by the Clergy this Parliament, which put the King into a good Humour, this Affair would not have been paſſed over ſo eaſily.

K. *Richard* II.

Debate concerning reſtoring the Biſhop of *Norwich*'s Temporalities.

[389]

The Duke of *Lancaſter*'s Expedition into *Spain* now took Place, and he embarked with a very great Army, for the reducing the Kingdom of *Caſtile* and *Leon* to his Obedience. But tho' he gained ſome great Advantages at firſt; yet, in the End, his Army being very much diminiſhed by Sickneſs and Mortality, he thought proper to clap up a Peace, by renouncing all his Pretenſions to that Kingdom, for a large Sum of Money, and a yearly Annuity, to be paid him by *John*, the Son of *Henry* the *Baſtard*, the preſent Poſſeſſor.

During this Expedition abroad, Affairs at home were in a tickliſh Situation. The *French* King had not laid aſide his intended Invaſion of *England*; but, on the contrary, had made greater Preparations for it than ever [a]. In

[z] *Speed's Chron.* p. 600. *E Lib. Monaſterii de* Melſa, *et ex Record. apud* Gul. Camden, *in* Yorkſhire. *Sam. Daniel* in *Kennet*, p. 254.

[a] See an Account of this ſecond Armament, at *Sluys*, for the Invaſion, in *Froiſart*, cap. lviii. lix. lx. This Author writes that it was thought by ſome, that all this mighty Preparation was only to fright the *Engliſh*, and draw the Duke of *Lancaſter* back from *Spain*.

K. *Richard* II. In order to ſtem this Tide, and prepare to ſtand the Shock, the Lord-Chancellor *De la Pole* ſent for great Part of the Militia of the whole Kingdom, to the Number of 200,000 Men, up to *London*, where they were quartered in the neighbouring Villages; and one Author writes[l], That, beſides the City and Suburbs, all the Towns within twenty Miles of *London* were filled with arm'd Men; but, having no Pay, they did as much Miſchief to the Inhabitants as an Enemy.

[390]

Anno Regni 10. 1386. In the Midſt of theſe Dangers and Confuſions, a Parliament was called, by Writs dated *Auguſt* 8, to meet

At *Weſtminſter*. at *Weſtminſter* on the firſt of *October* following. And, tho' the Nation was ſo much threatened from abroad, yet we may reaſonably ſuppoſe it was little regarded, ſince there never yet was a Time, in this King's Reign, when Diſſentions between him and his Parliament ran higher. It appears, however, by the Records, that the Seſſion was opened, as uſual, by a Speech from the Earl of *Suffolk*, Lord-Chancellor; in which he told the Houſes, 'That the principal Cauſe of calling them together, at that Time, was to acquaint them that at a 'Council, held at *Oxford*, it had been determined that 'the King ſhould paſs the Seas, in Perſon, with an Army 'Royal; which Reſolution the King ſtill held, and they 'were to debate in what Manner and how it was to be 'done. He ſaid there were four Cauſes that moved the 'King to this Expedition; the firſt was, That he might, 'at leſs Expence, attack his Enemy abroad, than ſtay and 'defend them at home. The ſecond was, to take off a 'Reproach blazed abroad, that he durſt not go over in 'Perſon[m]. The next was, to gain his Right to the 'Crown of *France*; by which he ſhould acquire both 'Renown and Honour. And, laſtly, ſince the *French* 'were daily threatening an Invaſion, he deſired them to 'conſult about it, as well as the Maintenance of the 'Laws and Preſervation of the Peace.'

Differences between the King and his Parliament. The Triers of Petitions being appointed, the very next Thing the Commons went upon was the Impeachment of the Earl of *Suffolk*; which, by the Records, ſeems

[l] *Sam. Daniel*, p. 255.

[m] *Que le Roy ne vorroit travailler en propre Perſone.* Rot. Parl. 10 *Rich.* II. N°. 1.

seems to have gone on peaceably enough: But *Henry Knyghton*, a Contemporary Historian, and one who must be credited in these Matters, has been very particular in his Account of the Transactions of this Parliament, and gives a different Relation of it. Mr. *Tyrrel*, because this Author's Story bears hard upon the Prerogative, has translated every Tittle of it, and falls foul upon Dr. *Brady* for mangling and abridging it. K. *Richard* II. [391]

In the Record it is entered, That the Commons, with one Accord, and in one Body [n], came before the King, Prelates, and Lords, in the Parliament-Chamber, complaining grievously against *Michael de la Pole*, Earl of *Suffolk*, late Chancellor of *England*, then present, and, by Word of Mouth, accused him in Manner following:

First, 'That he the said Earl, *&c.*'

Next follow the Articles of Impeachment, in Number seven; which, with the Earl's Answers to them, and the Commons' Replications, methodically, extend to a great Length on the Rolls, and are much fitter for the Collection of State Trials than a Work of this Nature. We shall therefore content ourselves, and we hope our Readers also, with giving the Sense of the Contemporary Historians, *&c.* on this Trial, wherein the aforesaid Articles, and the Judgment given upon them, will also occur in the Relation.

To do Justice to all, it is very proper to begin with the eldest Historian [o], who tells us, That, at the Opening of the Session, the King appeared in Person as usual; but when he found that the Commons were resolved upon impeaching Sir *Michael de la Pole*, Earl of *Suffolk*, and Lord-Chancellor, for divers Crimes and Misdemeanors, his Majesty retired, lest he might seem to countenance their Proceedings. The King went to *Eltham*, where he trifled away his Time: Hereupon both Houses, with joint Consent, thought proper to send this Message to him, 'That the Chancellor and Treasurer ought to be removed from their Offices, because 'those Men were not for the Advantage of himself and 'Kingdom. Adding, that they had Matters to treat 'of, relating to the Lord *Michael de la Pole*, which could 'not

They require that the Lord-Chancellor and Treasurer be removed,

[n] *D'une Accord et unement assemblez.* Record.

[o] *Henry Knyghton*, inter *Decem Script.* col. 2680.

K. *Richard* II. 'not be safely done whilst he remained in the Office of 'Chancellor.'

Which the King highly resents, and retires from Court.

The King was greatly incensed at this Message, and commanded them, *Not to make Mention of any such Thing for the future; but forthwith proceed to the Business for which they were summoned, and hasten to a Conclusion*; and rashly added, *That he would not for them, or at their Instance, remove the meanest Scullion in his Kitchen* [p].

What raised the Resentment of the Commons more against the Chancellor, was, that in this Parliament he, in the King's Name, had demanded of them four Fifteenths, to be paid in one Year, and as many Tenths from the Clergy [q]. Alledging, that the King was so much in Debt that less would not discharge it; besides the Expences of the Wars, his Household and other Exigencies. Without regarding this at all, the Lords and Commons returned their joint Answer to the King,

The Parliament resolve to do no Business till the King returns.

'That they neither could, nor, by any Means, would 'proceed in any Business of Parliament, or dispatch so 'much as the least Article of it, till the King should 'come and shew himself in Person amongst them, and [392] 'remove the said *Michael de la Pole* from his Office.'

To this high Demand, the King returned for Answer, *That they should order forty Knights, of the wisest and most substantial of the Commons, to come to him and declare the Opinion of all the rest.* But this Message alarmed them still more, every Man doubting his own Safety; for a private Rumour had reached their Ears, that these forty Members were designed to be massacred: For, adds our Authority, who perhaps may be suspected of going too far in this Matter, it was told them, and it appeared afterwards to be true, that as these forty were to go to the King, a large Party of armed Men should set upon and murder them: Or else that, being invited to a Feast, some armed Ruffians should destroy them: Or, yet another Way, that they should be murdered, all in an Instant, in their Lodgings in *London*. This last bloody Design, he says, was frustrated by *Richard de Exton*, then Mayor of *London*, who refused to give his Con-

[p] —— *dicens, se nolle pro ipsis nec minimum Garcionem de Coquina sua amovere ab Officio suo.* *Knyghton*, inter *Decem Script.* col. 2685.

[q] This does not appear by the Record.

Consent to such a Piece of Villany; by which it was deferred, and this cursed Contrivance, by Degrees, brought to Light. Therefore the whole Parliament, by common Consent, deputed the Lord *Thomas* of *Woodstock*, Duke of *Glouceſter*, and *Thomas de Arundele*, Biſhop of *Ely*, to go to the King, ſtill at *Eltham*, and that they ſhould, in the Behalf of the Lords and Commons, humbly ſalute him, and deliver the Senſe of both Houſes to him, to this Effect[r]: K. *Richard* II.

SIR,

'THE Prelates, Lords, and Commons, in Parliament aſſembled, with moſt humble Submiſſion recommend themſelves to your Royal Dignity; wiſhing you ſucceſsful in the Courſe of Honour, and invincible againſt the Power of your Enemies; together with the moſt firm Bond of Peace and hearty Love towards your Subjects, as well for the Increaſe of your own Intereſt and Advantage, in reſpect of God, and the Salvation of your Soul, as for the unſpeakable Comfort of all the People you govern, on whoſe Behalf we intimate theſe Things unto you: The Parliament's Remonſtrance to the King.

[393]

'That we have it ſettled and confirmed in our antient Conſtitution, from a laudable and approved Cuſtom, which none can gainſay, That the King ought to aſſemble the Lords, Nobles, and Commons of the Kingdom once a-year, unto his Parliament, as the higheſt Court of the Realm, in which all Equity ought to ſhine bright without any Spot, clear as the Sun; and wherein as well Poor as Rich may find never-failing Shelter for their Refreſhment, by reſtoring Tranquillity and Peace, and removing all Kind of Injuries; where all public Grievances, or Errors, are to be redreſs'd; and wherein, with the moſt prudent Counſel, the State and good Government of the Kingdom is to be treated of; and conſidering that the King and Nation's Foes at home, and their Enemies abroad, may be diſcovered and repulſed, by ſuch Means as moſt conveniently and honourably may be done; and alſo, with wholeſome Deliberation therein, to foreſee and order how the neceſſary Burdens of the King and

r *Tyrrel's Hiſtory of England*, Vol. III. *Life of Richard* II. *by a Perſon of Quality*.

K. *Richard* II. ‘Kingdom may with moſt Eaſe, the Public Wants ‘conſidered, be ſupplied: They conceive alſo, that, ‘ſince they are to ſupport all public Charges incumbent, ‘they ſhould have the Superviſal how, and by whom, ‘their Goods and Fortunes are to be expended: They ‘ſay, moreover, that this is their Privilege by antient ‘Conſtitution, *That if the King will wholly eſtrange ‘himſelf from his Parliament, (no Infirmity or neceſſary ‘Cauſe diſabling him) but obſtinately, by his ungovernable ‘Will, ſhall withdraw himſelf, and be abſent from them ‘the Space of forty Days, not regarding the Vexation of ‘his People, nor their grievous Expences; that then, from ‘that Time, it ſhall be lawful for all and every of them, ‘without any Damage from the King, to go home and ‘return into their own Countries:* And now you, for a ‘longer Time, have abſented yourſelf, and, for what ‘Cauſe they know not, have refuſed to come among ‘them.’

To this the King anſwered to this Effect:

The King's Anſwer.

[394]

NOW we do plainly diſcover that our People and the Commons intend to reſiſt, and are endeavouring to make Inſurrections againſt us; and, in ſuch Caſe, nothing ſeems better for us, than to call in our Couſin the King of France, *and from him to aſk Advice and Aid, nay, even to ſubmit ourſelves to him, rather than to truckle to our own Subjects.*

To which they replied,

The Parliament's Reply,

SIR,

‘THIS Council is not ſafe for you, but rather tends ‘to your inevitable Deſtruction; for the King of ‘*France* is your capital Enemy, and the greateſt Adverſary to your Kingdom; and if he ſhould once get ‘Footing on your Land, would ſooner endeavour to ‘deſpoil you of it, to invade your Kingdom, and drive ‘you from your Throne, than in the leaſt to lend you ‘his aſſiſting Hand, if at any Time (which God forbid) ‘you ſhould ſtand in Need thereof; rather therefore ‘recall to your Memory, how your Noble Grandfather, ‘King *Edward* III. and in like Manner your Father, ‘a Prince of the ſame Name and Renown, with great ‘Labour and Hazards, during their whole Lives, indefatigably contended for the Conqueſt of that Kingdom, ‘which,

'which, by Hereditary Right, appertained to them, and 'after them to you, by Succeſſion: You may alſo be 'pleaſed to call to Mind, how many of the Nobles, what 'innumerable Troops of the Commons of *England* loſt 'their Lives in that Quarrel: Remember alſo the in- 'eſtimable Treaſures the People of *England* freely parted 'with, for the Maintenance of that War. K. *Richard* II.

'And yet, what is more to be lamented, they have 'in your Time ſuſtained ſo many Taxes for the Support 'of your Wars, as that now they are reduced to ſuch 'incredible Poverty, that they can neither pay their 'Rents for their Livings, nor aſſiſt the King, nor afford 'themſelves even the Neceſſaries of Life: Thus the 'Royal Power is impoveriſhed, and an unhappy Con- 'dition brought upon all the Great Men and Nobles 'of the Kingdom, who, as well as the Commons, are 'weakened and undone; for a King cannot be poor that 'has a rich People, nor that King be rich, whoſe Sub- 'jects are Beggars: Nor do theſe Ills redound alone to 'you the King, but to all the Nobility and Great Men, [395] 'every one in his Rank and Degree. All this is brought 'to paſs by your evil Miniſters, who have ill governed 'both King and Kingdom to this Day; and unleſs we do 'quickly ſet to our helping Hands, the Kingdom will, in 'leſs Time than we think of, be miſerably ſubverted.

'But there is yet one Part more of our Meſſage 'remaining, on the Behalf of your People, to be im- 'parted to you, *That we have an antient Conſtitution, 'and it was not many Ages ſince experimented, (it grieves 'us that we muſt mention it) that if the King, through 'any evil Counſel, or weak Obſtinacy or Contempt of his 'People, or out of a perverſe and froward Wilfulneſs, or 'by any other irregular Courſes, ſhall alienate himſelf from 'his People, and refuſe to govern by the Laws and Statutes 'of the Realm, according to the laudable Ordinances and 'their faithful Advice, but will throw himſelf headlong 'into wild Deſigns, and ſtubbornly exerciſe his own ſingu- 'lar arbitrary Will, that, from that Time, it ſhall be law- 'ful for his People, by their full and free Aſſent and Con- 'ſent, to depoſe that King from his Throne, and, in his 'Stead, to eſtabliſh ſome other of the Royal Race upon the 'ſame:* Therefore, that ſuch a grievous and unhappy 'Tention may never ſpring up amongſt your People;

K. *Richard* II. 'that they may never, through such lamentable Divi-
'sions, pleasing only to your Enemies, be by your evil
'Counsellors subverted; and that this Kingdom, so ho-
'nourable, and, from your Father's Days, hitherto most
'famous in War, may not now, in your Time, through
'the Distractions of evil Government, be miserably laid
'waste; and, that the Title of those Miseries may never
'be fixed as a scandalous Mark upon your Reign, recall
'we beseech you, your Royal Mind from such foolish
'and pernicious Counsels; and whosoever they are that
'suggest such Matters to you, do not only refuse to
'hearken to them, but totally remove them from your
'Presence; for, in a Time of Danger, it will be found,
'that they can noways prove effectual to serve you,
'when you stand most in Need of them.'

[396] By these and other Speeches, says our Author, the King was brought to better Temper, and, laying aside his Passion, he promised that after three Days he would come to the Parliament, and, with mature Advice, willingly acquiesce in their Petitions: Accordingly the King came at the Time appointed; and, very soon after, *Thomas Arundele*, Bishop of *Ely*, by the Advice and Consent of Parliament, was made Chancellor in the room of *Michael de la Pole*, Earl of *Suffolk*; *John Gilbert*, Bishop of *Hereford*, was made Treasurer, instead of *John de Fordham*, Bishop of *Durham*; and *John de Waltham*, Keeper of the Privy Seal.

Which occasions great Alterations in the Ministry.

The Messages above-mentioned are so extraordinary in their Kind, that Dr. *Brady* supposes the old Canon of *Leicester* was the Author of them; as indeed, adds he, most Historians are of the Speeches and Orations found in them; for that they are in such Language as no Subjects ever used towards their Sovereign. Mr. *Tyrrel* objects to this, that the Historian here quoted is very seldom guilty of making set Speeches, however it may be said of other Writers; and leaves it to the Reader's Judgment, whether this Author, who was alive at this very Time, and wrote his History in the Reign of the succeeding King, durst presume to forge a Speech of so dangerous a Consequence, when the same Bishop, translated to the See of *Canterbury*, was then in Being, and could easily have contradicted so notorious a Piece of Forgery.

Remarks on this Remonstrance.

Forgery. To speak impartially on this Matter; Mr. *Tyrrel* has somewhat overshot himself in mentioning the Bishop and Historian as Contemporaries; because it may then with greater Probability be imagined the Bishop gave the latter the Speech, or the Substance of it, to insert in his History; since, as he says, *Knyghton* wrote in the succeeding Reign, after the same Principles, laid down in this Speech, had brought about a Revolution, in which this *Thomas Arundele*, then Archbishop of *Canterbury*, was one of the chief Movers. Besides, it is certain that our Parliamentary Records are intirely silent as to the Messages and Speeches which *Knyghton* hath given; as well as all other Historians, who do not quote from that Author. And if they were true, they must have happened between the Meeting of the Parliament and the bringing in of the Impeachment.—But to go on.

K. *Richard* II.

Sir *Michael de la Pole* Earl of *Suffolk*, and Lord Chancellor, impeached.

After the Removal of *Michael de la Pole* from the Chancellorship, he was impeached by the Commons of several high Crimes and Misdemeanors; the Articles against him are upon the Record [s], as also in *Knyghton* [t]; but we give them from the latter as follow:

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The Impeachment or Articles exhibited by the Commons in full Parliament against Michael de la Pole, *Earl of* Suffolk, *late Chancellor of* England.

The Articles against him.

I. 'THAT the said Earl being Chancellor, and 'sworn to act for the just Profit of the King, 'hath purchased of our Lord the King, Lands, Tene- 'ments, and Rents to a great Value, as appears by the 'Record-Rolls of the Chancery: And against his Oath, 'not regarding the great Necessity of the King and 'Realm, being Chancellor at the Time of such Purchase 'made, did cause the said Lands and Tenements to be 'extended at a much smaller Value than really they 'were worth by the Year, and thereby deceiv'd the 'King.'

And for that he purchased the said Lands when he was Chancellor, against his Oath, the King shall have the said Lands again intirely, and the said Earl shall make Fine and Ransom to the King, with all Profits received since the Purchase.

II. 'Whereas nine Lords were assigned, by the last 'Parliament, to view and examine the State of the King

s Rot. Parl. 10 *Rich.* II. N°. 1, 6, &c.
t Col. 2684.

K. *Richard* II. ‘ King and Realm, and to deliver their Advice how ‘ the same might be improved, amended, and put into ‘ better Order and Governance, and thereupon such ‘ Examination to be delivered to the King as well by ‘ Word of Mouth, as in Writing; the said late Chancellor did say in full Parliament, That the said Advice ‘ and Ordinance should be put in due Execution; which ‘ yet was not done, and that by the Default of him who ‘ was the principal Officer.’

To this Article, and the Third, and the Seventh, the
[398] *said Earl shall answer, if he have any Thing to say against the same in special.*

III. ‘ Whereas a Tax was granted by the Commons ‘ in the last Parliament, to be laid out in a certain ‘ Form demanded by the Commons, and assented to ‘ by the King and Lords, and not otherwise; yet the ‘ Monies thence arising, were expended in another ‘ Manner; so that the Sea was not guarded as it was ‘ ordered to have been; whence many Mischiefs already have happened, and more are like to ensue to ‘ the Realm: And all this by the Default of the said ‘ late Chancellor.

IV. ‘ Whereas the Tideman of *Limbergh*, having to ‘ him and his Heirs of the Gift of the King’s Grandfather 50 *l. per Annum*, out of the Customs of *Kingston* upon *Hull*, which the said Tideman forfeited to ‘ the King; and whereas the Payment of the said 50 *l.* ‘ *per Annum* was discontinued for five-and-thirty Years ‘ and upwards: The said Chancellor, knowing the Premisses, purchased to him and his Heirs, of the said ‘ Tideman, the said 50 *l. per Annum*, and prevailed ‘ with the King to confirm the said Purchase; whereas ‘ the King ought to have had the whole Profit.

For this Purchase the said Earl was adjudged to Fine and Ransom, and the said 50 l. *to go to the King and his Heirs; with the Manor of* Flaxflete. *and ten Marks of Rent which were exchanged*, &c. *with the Issues.*

V. ‘ Whereas the High Master of St. *Anthony* is a ‘ Schismatick, and for that Cause the King ought to ‘ have the Profits which appertain to him in *England*; ‘ the said late Chancellor, who ought to advance and ‘ procure the Profit of the King, took to Farm the ‘ said Profits of the King at twenty Marks *per Annum*,

‘ and

'and so got to his own Use above a Thousand Marks. K. *Richard* II.
'And afterwards, when the said Master, who now is
'in *England*, and ought to have had the Possession and
'Livery of the said Profits, he could not obtain the
'same, till he and two Persons with him became bound,
'by Recognizance in Chancery, of 3000 *l.* to pay year-
'ly to the said Chancellor, and his Son *John*, 100 *l.* [399]
'for the Term of their two Lives.'

For this it was adjudged, That the King shall have all the Profits belonging to the said St. Anthony's, *at the Time of the Purchase; and that for the Recognizance so made, the said Earl shall be awarded to Prison, and fined, and ransomed at the Pleasure of the King.*

VI. 'That in the Time of the late Chancellor there
'were granted and made divers Charters and Patents
'of Pardon for Murders, Treasons, Felonies, *&c.*
'against the Laws; and before the Commencement of
'this present Parliament, there was made and sealed a
'Charter of certain Franchises granted to the Castle of
'*Dover* in Disinherison of the Crown, and to the Sub-
'version of the Pleas and Courts of the King, and of
'his Laws.'

The King awards that those Charters be repealed.

VII. 'Whereas by an Ordinance made in the last
'Parliament, that 10,000 Marks should be raised for
'the Relief of the City of *Ghent*; by the Default of
'the said late Chancellor, the said City of *Ghent* was
'lost, and also 1000 Marks of the said Money.'

Upon all which Articles the Commons demand the Judgment of Parliament.

Knyghton says that the Sum of the Earl's Answers to these Articles were either by denying some of them, or confessing and excusing others; and that, for all these Offences, the said Earl was not only discharged from his Office of Chancellor, but, being arrested, was committed to the Custody of the Constable, and, after the Parliament was up, he was sent close Prisoner to *Windsor Castle*; but was soon after discharged by the King. The Earl committed Prisoner.

Thomas Walsingham, another Historian of good Authority, and contemporary with *Knyghton*, relates, that all these Articles were so fully proved, that the Earl could not deny them. Insomuch, that when he stood

upon

K. *Richard* II. upon his Defence, and had nothing to say for himself, the King, blushing for him, shook his Head and said, [400] *Alas, alas*, Michael, *see what thou hast done*. Further, when the King desired a Supply, the same Author tells us that the Commons answered, 'He did not need any 'Tallage on his Subjects, when he might so easily furnish himself with a Sum of Money from him who was 'his just Debtor[u].' This may be true also, but it is not on Record; and it will be found in the Sequel that they granted a very large one.

The former, who is more particular in giving the Affairs of this Parliament than of any other throughout his whole History goes on and tells us, That, by the Corruption of the King's Officers, the public Revenue was vainly consumed; the King insufferably defrauded and abused; the common People of the Realm, by continued and grievous Burdens, miserably impoverished; the Rents and Profits of the Nobles and Great Men much impaired; and their poor Tenants in many Places forced to abandon their Husbandry, and leave their Farms empty and desolate. And all this Time it was plain that, by these Means, the King's Officers became unmeasurably rich.

Eleven Lords chosen by Parliament, appointed to regulate the Affairs of the Kingdom.

The Parliament observing all this, in order to remedy the Evil, they chose eleven Lords, to whom the King, by Commission[w] under the Broad-Seal, granted Leave and Power to inquire into, treat of, and determine all Affairs, Causes, and Complaints arising since the Death of King *Edward* III. to that present Time; as also of the King's Expences and his Ministers, and all other Matters happening within the limited Time. The Lords, so chosen, were sworn, on the Holy Evangelists, to well and truly regulate all Burdens, and other

[u] *Sub hoc Anno.*

[w] Rot. Parl. 10 *Rich* II. Pars prima, N°. 7. This Commission, in *French*, is also printed, at large, in *H. Knyghton*, col 2686, *&c.*

The Preamble to it, which is very long, runs thus,

'Know ye, that for the Reverence of God, and to nourish Peace, 'Unity, and good Accord in all Parties within the Realm of *England*, 'and especially for the good Profit and Ease of our People, and good Go- 'vernment of our same Realm of *England*, which we chiefly desire, with 'the Assent of our Lords and Commons assembled in Parliament at *West- 'minster* the first Day of *October* last past, we have caused to be made a 'Statute, as well for the Amendment of the said Governance, as for the 'common Profit of the said Realm, in the Form following, *&c.*' See *Statutes at large, Hawkins's* Edit. 10 *Rich.* II. *A.* 1386. p. 347.

other Affairs incumbent on the King and Kingdom; and to do Juſtice to every one. K. *Richard* II.

The King likewiſe took an Oath to ſtand to their Appointment, to encourage them in their Actings, and not to revoke any Article of their Power, but to confirm, as good and ſtable, whatſoever the ſaid Counſellors ſhould do or order during that Time; and that any ſix of them, with the three Chief Officers of the King, ſhould at any Time make a *Quorum*. [401]

The King takes an Oath to ratify their Proceedings irrevocably.

Laſtly, it was enacted, That if any Man ſhould adviſe the King to make any Revocation of their Power, tho' the King ſhould not do it, yet if it was but probable he gave ſuch evil Counſel, he ſhould, for the ſame, forfeit all his Lands and Goods; and, if he attempted it a ſecond Time, he ſhould be drawn and hanged as a public Traitor to the King and Kingdom [a].

But the Authority of Parliament alone being not judged ſufficient to ſecure this great Change in the Government, the King was further prevailed on to grant his Leters Patent, on which, afterwards, a Statute was made, in order to render it as irrevocable as poſſible. Which Letters Patent muſt find a Place in theſe Inquires, ſince, tho' not ſtrictly Parliamentary, yet they were the Occaſion of the Perſons concerned in the Commiſſion being afterwards brought to a very ſevere Trial in Parliament. Thus they ſtand tranſlated from the *French*.

And grants his Letters Patent in Confirmation thereof.

RICHARD, *King*, &c. *To all thoſe to whom theſe Letters ſhall come to be ſeen or heard, Greeting. We being duly conſcious of the grievous Complaints of the Lords and Commons of our Realm in this preſent Parliament aſſembled, That our Profits and Rents, and the Revenues of our Realm, by private and inſufficient Council, and the ill Governance as well of certain of our late Great Officers, as of divers other People being near our Perſon, are ſo much conſumed, waſted, embezzled, given away, granted, and aliened, deſtroyed, and evilly diſpoſed of and expended, that we are ſo much impoveriſhed and ſtripp'd of Treaſure and Means, and the Subſtance of our Crown ſo diminiſhed and deſtroyed, that we are neither able to ſuſtain honourably, as we ought, the State of our Houſhold, nor*

[a] *Tractus per Civitatem, tanquam Traditor publicus Regis et Regni, ſuſpendetur.* Knyghton, col. 2686.

K. *Richard* II. [402]

nor maintain and manage thoſe Wars wherewith our Realm is environ'd, without great and outragious Oppreſſions and Charges on our People, greater than they can bear: And alſo that the good Laws, Statutes, and Cuſtoms of our ſaid Realm, to which we are bound by Oath, and obliged to maintain, are not, nor have been, duly obſerved and executed, nor full Juſtice or Right done to our ſaid People; but many Diſinheriſons, and other moſt great Miſchiefs and Damages, have happened, as well to us, as to our People and whole Realm.

Now we, for the Honour of God, and for the Good of us and our Realm, and for the Quiet and Relief of our People, willing againſt the ſaid Miſchiefs to eſtabliſh a good and meet Remedy, as we have already of our free Will, at the Requeſt of the Lords and Commons, ordained and aſſigned ſuch Perſons for our great Officers; that is to ſay, our Chancellor, Treaſurer, and Keeper of our Privy Seal, as we eſteem good, faithful, and ſufficient, for the Honour and Profit of us and our Realm: So alſo of our real Authority, certain Knowledge, good Pleaſure, and Free-will, and by the Advice and Aſſent of the Prelates, Lords, and Commons in full Parliament, in Aid of the good Governance of our Realm, and the well and due Execution of our Laws, and for the Relief in Time of that miſerable Condition under which both we and our Subjects have long labour'd, having full Confidence in the good Advice, Senſe, and Diſcretion of the moſt Honourable Fathers in God, William *Archbiſhop of* Canterbury, *and* Alexander *Archbiſhop of* York; *Our moſt dear Uncles,* Edmund, *Duke of* York, *and* Thomas *Duke of* Glouceſter; *the Honourable Fathers in God,* William *Biſhop of* Wincheſter, Thomas *Biſhop of* Exeter, *and* Nicholas *Abbot of* Waltham; *our beloved and faithful* Richard *Earl of* Arundele, John *Lord* Cobham, Richard le Scrope, *and* John Devereux, *have ordained, aſſigned, and deputed, and do ordain, aſſign, and depute them to be of our Great and continual Council, for one whole Year next after the Date hereof, to ſurvey and examine, together with our ſaid Great Officers, as well the Eſtate, Condition, and Government of our whole Realm, and of all our Officers and Miniſters of whatever Eſtate, Degree, or Condition they be, within our Houſhold or without; and to inquire and take Information by all ſuch Ways as they ſhall think*

think meet, of all Rents, Revenues, and Profits belonging to us, or which are due and ought to appertain to us, either within the Realm or without: And of all Gifts, Grants, Alienations, and Confirmations by us made, of any Lands, Tenements, Rents, Annuities, Profits, Revenues, Wards, Marriages, Escheats, Forfeitures, Franchises, Liberties; Voidances of Archbishopricks, Bishopricks, Abbeys, Priories, Farms of Houses, Possessions of Aliens, &c. And also of all Revenues and Profits, as well of our said Realm, as of our Lands, Lordships, Cities, Villages, and other Possessions beyond the Sea; and of the Benefices and Possessions, and other Revenues of all that are in Rebellion against the Pope: And of the carrying Monies out of the Realm by the Collectors of the Pope, or the Procurators of Cardinals, Lombards, or other Persons: And likewise of the Profits of our Customs, and all Subsidies granted to us by the Clergy and Laity, since the Day of our Coronation, to that Time: And of all Fees, Wages, and Rewards of our Officers and Ministers, great and small; and of Annuities and other Rewards granted; and Gifts made to any Persons in Fee or for Term of Life, or in any other Manner: And of Lands, Tenements, Rents, Revenues, and Forfeitures, bargained or sold to the Prejudice and Damage of our Crown: And also touching the Jewels and Goods which were our Grandfather's at the Time of his Death, and of Charters and General Pardons; and how general Payments have been levied and expended; how Garrisons and Forts have been maintained: And of all Defaults and Misprisions, as well in our Household as in our Courts, and all other Places of our Realm: And by what Persons our Revenues and the Substance of our Crown have been withdrawn or diminished, or the Common Law interrupted or delayed, or any other Damage that hath happened to us. Giving, and by these Presents granting, of our Authority, and by the Advice and Assent of our said Subjects, unto our said Counsellors, or any six of them, and to our Great Officers aforesaid, full Power and Authority, general and special, to enter our Palace and Household, and to call before them all our Officers, and to command all Rolls, Records, and other Monuments and Evidences; and all Defaults, Wastes, and Excesses found in our said Household, and in other Courts and Places; and all Deceits, Extortions, Oppressions, Damages, and Grievances

K. Richard II.

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K. *Richard* II. *Grievances whatsoever, that are to the Prejudice, Damage, and Distress of us and our Crown, and the Estate of our said Realm in general, (though not herein particularly expressed and specified) to amend, correct, repair, redress, reform, and put into good and due Order and Establishment: And also to hear and receive the Complaints of all our Liege People, as well for us as themselves, against our said Officers and Counsellors: And all Oppressions, Wrongs, and Injuries, which cannot so well be amended and determined in the Courts of the Common Law: And to discuss and finally determine all the Matters aforesaid, and full Execution thereof to award, as to them shall seem most meet, for the Honour and Profits of us and our Estate, and to the Reintegration of the Rights and Profits of our Crown, and the better Governance of the Peace and Laws of our Kingdom, and the Relief of our said People. In which Proceedings, if Difference of Opinion happen amongst our said Counsellors, the same shall be concluded by Majority of Votes: And we command and charge all Prelates, Dukes, Earls, Barons, Sheriffs, the Treasurer and Comptroller, and all other Officers of our Houshold, Justices* de Banco, *and other Officers, Ministers, and Liege Subjects whatsoever, that to our said Counsellors and Officers, in Manner aforesaid, they be obedient, aiding, and assisting.*

In witness whereof, *&c.* Given under our Great Seal the 19th Day of *November*.

A Subsidy granted. It is reasonable to expect after these great and extraordinary Concessions from the King, that some Taxes, or Subsidies, should be granted him; Dr. *Brady* has wholly omitted this Affair, but Mr. *Tyrrel* has found, from the Record[y], which is also in *Knyghton*, that this Parliament freely granted half a Tenth in Spirituals, and half a Fifteenth on all Temporals. They likewise gave him of every Tun of Wine imported or exported, three Shillings; and twelve Pence on every Pound of Merchandize, except of such staple Commodities as Woolfells, *&c.* And that these Subsidies might be well and truly expended, the same prudential Care was taken in this as in other Matters, that the Money should be deposited

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[y] Rot. Parl. 10. *Rich.* II. N°. 18.

posited in the Hands of certain of the Nobility appointed for that Purpose [a]. K. Richard II.

On the 27th Day of *November* this Parliament was dissolved, having sat about seven Weeks; but the King's great Candour and Condescention in it was in a great Measure sullied by the following Memorandum, which is the last Thing entered upon the Roll, *viz.* That the King came and made Protestation, in full Parliament, with his own Mouth, *That for any Thing which was done in that Parliament, he would not any Prejudice should come to him, or his Crown; but that the Prerogative and Liberties of it should be safe and preserved* [b]. The King repents of these Concessions to his Parliament.

It is necessary here, in order to keep up a proper Connection, to deviate a little from our Parliamentary History, to learn what Struggles the King made to get loose from the Bonds which had been thus imposed upon him. In the Year 1387 the King and Queen made a Progress into the West and Northern Parts of the Kingdom. In his Return from the latter, he held a Council at *Nottingham*. The chief Persons that this Council consisted of, was *Alexander*, Archbishop of *York*; *Robert de Vere*, lately created Duke of *Ireland*; *Michael de la Pole*, Earl of *Suffolk*; *Robert Tresilian*, Chief Justice of the King's Bench, and *Nicholas Brembre* of *London*, Knights, who were the King's greatest Favourites and Advisers, and in whom this unhappy Prince put his whole Trust and Confidence.

This Council of State summoned all the Sheriffs of the adjoining Counties to *Nottingham*, and demanded of them what Forces they were able to raise to assist the King against the Lords if they were required to do it. The Sheriffs answered, coldly, 'That the People were 'generally persuaded that the Lords were the King's 'Friends, and that they sought the Good of the Na- 'tion in all they did, and therefore they believed they 'could get very few to oppose them.' This Disappointment was the less to these Courtiers, because they knew And endeavours to set them aside.

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[a] This Parliament also granted that the District of *Brittany* should be sold to the *French* for 30,000 Marks, and the Money given to *Robert de Vere*, Duke of *Ireland*, on Condition that he would be gone from hence and make Use of it to recover the Dominions the King had given him in that Kingdom. A prodigious Sum in those Days, and which shews how willing the Parliament was to get rid of so dangerous a Favourite at any Rate.—*Walsingham*. But this is not on the Record.

[b] Rot. Parl. 10 *Rich.* II. N°. 35.

K. *Richard* II. knew that the Lords were very popular, and they had ſtill other Projects to go upon. They next commanded the Sheriffs and Gentlemen, then attending on the Summons, to ſuffer *none to be returned as Knights or Burgeſſes for the next Parliament, but ſuch as the King and his Council ſhould nominate.* To which they replied, 'That the People would be very hardly deprived 'of their antient Privilege of chuſing their own Mem-'bers of Parliament; and that if there was a true Free-'dom obſerved in chuſing, it would be almoſt impoſ-'ſible to impoſe any Perſon againſt the People's Liking, 'eſpecially ſince they would eaſily gueſs at the De-'ſign, and ſtand the more reſolutely upon their Right.' This Anſwer of the Sheriffs' ſomewhat ſtartled the Politicians, becauſe they built much on this Invention; (which was but new in thoſe Days, though frequently practiſed in latter Reigns) for what was done by a Parliament would, as they imagined, carry a Face of Juſtice along with it, and their private Revenge be turned into a public Puniſhment. But, loſing this Point, they diſmiſſed the Sheriffs and Gentlemen, and fell upon their laſt, but moſt deſperate Stratagem, which was to ruin them by Law.

The Sheriffs tamper'd with to make partial Returns.

To this End the King ſent his Summons for all the Judges to attend him; and, on their Appearance, a String of Queſtions or Articles, which were ready drawn up by Sir *Robert Treſilian*, Chief Juſtice of the King's Bench, and one of the Cabal, was propoſed to them. Theſe Articles *Knyghton* has given at large, which bear ſuch a Dependence on Parliament, and are ſo extraordinary in themſelves, that an Omiſſion of them would be unpardonable [c].

The Preface to them runs thus;

Queſtions propoſed to the Judges, and their Anſwers, relating to the late Commiſſion.

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BE it remembered, That on the 25th Day of Auguſt, *in the 11th Year of the Reign of King* Richard II. *at the Caſtle of* Nottingham, *before our ſaid Lord the King*, Robert Treſilian, *Chief Juſtice of* England, *and* Robert Belknappe, *Chief Juſtice of the Common Bench of our ſaid Lord the King*, John Holt, Roger Fulthorp, *and*

c *Knyghton*, col. 2694, &c.
Tyrrel's Hiſtory of England, Vol. III. p. 906, &c.
See alſo Sir *John Hayward's* Life and Reign of *Henry* IV. but which is rather the Life of this King, &c. p. 14, &c. *London*, 1630.

and William de Burgh, *Knights, Juſtices, and Aſſociates* K. *Richard* II.
of the ſaid Robert Belknappe, *and* John de Lokton, *the King's Serjeant at Law, in the Preſence of the Lords and other Witneſſes underwritten, were perſonally required by our ſaid Lord the King, on the Faith and Allegiance wherein to him the ſaid King they are bound, to anſwer faithfully unto certain Queſtions here under ſpecified, and to them then and there truly recited, and upon the ſame to declare the Law according to their Diſcretion*, viz.

I. It was demanded of them, 'Whether that new 'Statute, Ordinance, and Commiſſion, made and pub-'liſhed in the laſt Parliament held at *Weſtminſter*, be 'not derogatory to the Royalty and Prerogative of our 'ſaid Lord the King?'

To which they unanimouſly anſwered, *That the ſame were derogatory thereunto; eſpecially becauſe they were againſt his Will.*

II. 'How thoſe are to be puniſhed, who procured that 'Statute and Commiſſion?'

To which they unanimouſly anſwered, *That they were to be puniſhed with Death, except the King would pardon them.*

III. 'How thoſe are to be puniſhed who moved the 'King to conſent to the making of the ſaid Statute?'

Whereunto they anſwered with one accord, *That they ought to loſe their Lives, unleſs his Majeſty would pardon them.*

IV. It was aſk'd them, 'What Puniſhment they de-'ſerved who compelled, ſtraitened, or neceſſitated the 'King to conſent to the making of the ſaid Statute and 'Commiſſion?'

To which they all anſwered, *That they ought to ſuffer as Traitors.*

V. 'How thoſe are to be puniſhed who hindered the 'King from exerciſing thoſe Things which appertain to 'his Royalty and Prerogative?'

To which Queſtion they unanimouſly anſwered, *That they are to be puniſhed as Traitors.*

VI. 'Whether after, in a Parliament aſſembled, the [408]
'Affairs of the Kingdom, and the Cauſe of calling 'that Parliament, are by the King's Command declared, 'and certain Articles limited by the King, upon which 'the Lords and Commons in that Parliament ought to

K. *Richard* II. ‘ proceed; if yet the ſaid Lords and Commons will proceed altogether upon other Articles and Affairs, and not at all upon thoſe limited and propoſed to them by the King, untill the King ſhall have firſt anſwered them upon the Articles and Matters ſo by them ſtarted and expreſſed, although the King's Command be to the contrary; whether in ſuch Caſe the King ought not to have the Governance of the Parliament, and effectually over-rule them, ſo as that they ought to proceed firſt on the Matters propoſed by the King; or whether, on the contrary, the Lords and Commons ought firſt to have the King's Anſwer upon their Propoſals before they proceeded further?’

To which Queſtion they anſwered unanimouſly, *That the King in that Behalf has the Governance, and may appoint what ſhall be firſt handled, and ſo gradually what next in all Matters to be treated of in Parliament, even to the End of the Parliament: And if any act contrary to the King's Pleaſure made known therein, they are to be puniſhed as Traitors.*

VII. ‘ Whether the King, whenever he pleaſes, can diſſolve the Parliament, and command the Lords and Commons to depart from thence, or not?’

To which they unanimouſly anſwered, *That he can; and if any one ſhall then proceed in Parliament againſt the King's Will, he is to be puniſhed as a Traitor.*

VIII. ‘ Since the King can, whenever he pleaſes, remove any of his Judges and Officers, and juſtify or puniſh them for their Offences, whether the Lords and Commons can, without the Will of the King, impeach in Parliament any of the ſaid Judges or Officers for any of their Offences?’

To which they unanimouſly anſwered, *That they cannot; and if any one ſhould do ſo, he is to be puniſhed as a Traitor.*

IX. ‘ How he is to be puniſhed who moved in Parliament, That the Statute ſhould be ſent for, whereby *Edward* the Second (the King's Great Grandfather) was proceeded againſt and depoſed in Parliament; by Means of ſending for and impoſing which Statute, the ſaid late Statute, Ordinance, and Commiſſion, were deviſed and brought forth in Parliament?’ [409]

To which they anſwered, *That as well he that ſo moved,*

moved, as he who, by Pretence of that Motion, carried the K. *Richard* II.
said Statute to the Parliament, are Traitors and Criminals to be punished with Death.

X. It was demanded of them, 'Whether the Judg-'ment given in the last Parliament held at *Westminster*, 'against *Michael de la Pole*, Earl of *Suffolk*, was Erro-'neous and Revocable, or not?'

To which Question they unanimously answered, *That if that Judgment were now to be given, they would not give it; because it seems to them, that the said Judgment is Revocable, as being Erroneous in every Part of it.*

In Testimony of all which the Judges and Serjeants aforesaid to these Presents have put their Seals in the Presence of the Reverend Lords, Alexander *Archbishop of* York, Robert *Archbishop of* Dublin, John *Bishop of* Durham, Thomas *Bishop of* Chichester, *and* John *Bishop of* Bangor, Robert *Duke of* Ireland, Michael *Earl of* Suffolk, John Rypon, *Clerk, and* John Blake, Esq; *Given the Place, Day, Month, and Year aforesaid*[a].

But tho' the King and his Favourites had got the Judges on their Side, and by those Means had procured a Colour of Law for what they did, yet the greatest Difficulty remained behind, which was to arm themselves with Power sufficient to put these Resolves in Execution. To this Purpose they did their utmost to render themselves and their King popular; and, at his Majesty's Return to *London*, he was met and received by the Mayor and Citizens, with the greatest Pomp and Solemnity[b]. But this Joy was very short-lived, for [410]

[a] *Knyghton* assures us, That *Belknap*, Chief Justice of the Common Pleas, did very earnestly refuse to put to the Parchment till *Vere* and *De la Pole* forced him to it, by threatening him to kill him if he refused; whereupon putting just to his Seal, he only said these Words before them, 'Now want I nothing but a Ship, or a nimble Horse, or an Halter to 'bring me to that Death I deserve: if I had not done this, I should have 'been KILL'D by your Hand, and now I am against the King's Pleasure 'and yours in doing it. I have well deserved to die for Treason against the 'Noble of the Land.' Col. 2654.

Some Authors say, That all the Judges of *England*, except *William Skipworth*, assent by reason of Sickness to the Question and giving those Answers; which seems probable, because they were afterwards all question'd and punish'd for the same; yet in the Record there are but Five named; Perhaps the others sent their Counsel, tho' not their Seals to it.

[b] *Major Londinensium thesaurus cum innumerabili Multitudine Equitum & Civium in festis omnibus & in Celebribus regiis, viz. in Coronationibus & similibus rubri.* Knyghton, col. 2696.

K. *Richard* II. the Junto, ſoon after their Arrival at *Weſtminſter*, had Notice that the Duke of *Glouceſter*, with the Earls of *Arundele* and *Warwick*, and a great Body of armed Men, were marching towards *London*. This News alarmed the Favourites greatly; and as both they and every one elſe were ignorant what this Armament intended, all were ſilent waiting for the Event. It was not long before theſe Lords declared themſelves, and being come with their Army as far as *Hackney*, they ſent the Archbiſhop of *Canterbury*, the Lord *John Lovel*, the Lord *Cobham*, the Lord *Devereux*, and others, to the King with this Meſſage: 'That they came to demand the 'Perſons who had ſeduced the King, and were Traitors 'both to him and the Kingdom: That it was purely 'for his Majeſty's Welfare and the Good of the Nation 'that they took up Arms, in order that they might 'bring thoſe Traitors to Juſtice, to the Terror of all 'ſucceeding evil Miniſters.' They named five Perſons, who had the Rule and Government of every Thing both at home and abroad, and had given the King ſuch pernicious Advice, there ſpecified, that, if it was followed, would be the Ruin of them all. Theſe and many other Matters were all particularly related, in a Letter ſent from the ſaid Duke and Earls to the Mayor and Citizens of *London*. To make ſhort of this Matter, the King was driven to Straits; and, finding that his Favourites could no ways protect him, he was forced at laſt to come to a Compoſition, and to refer all Grievances to the Deciſion of the next Parliament. Writs were iſſued out, accordingly, for one to meet on the Day after *Candlemas-Day*, or the third of *February*. But, in the Body of the Writs for electing of Members for this Parliament, an equivocal Clauſe was inſerted; which was an Order to return *thoſe Perſons that were the moſt indifferent in the preſent Diſputes*. Which, being found out, the King was obliged to renew the Writs, and even to ſpecify that the Clauſe, abovementioned, was put in contrary to the antient Form [h].

The King fails in his Attempt to revoke it, tho' the Judges had declared in his Favour.

[411]

The

[h] The Form of the ſecond Writ, as preſerved in the Public Acts, is as follows:

Rex Vicecomiti Kantiæ *ſalutem. Licet nuper per Breve noſtrum, inter cætera, tibi præceperimus, firmiter injungentes, quod de Comitatu tuo duos Milites, Gladiis cinctos magis idoneos et diſcretos Comitatus prædicti, et in Debatis modernis* magis indifferentes, *eligi, et eos ad Parliamentum noſtrum, apud*

K. *Richard* II.

Anno Regni 11.
1388.

At *Weſtminſter*.

The Parliament being met, on the Day appointed, *Thomas Fitz-Alan*[1], Biſhop of *Ely*, and Lord-Chancellor, with great Wiſdom and Eloquence, ſays the Record[k], declared the Cauſe of the Summons to be, 'To 'conſider by what Means the Troubles in the Kingdom, 'for Want of good Government, might be ended; the 'King better adviſed; the Realm better governed; 'Miſdemeanors more ſeverely puniſhed; and good Men 'better encouraged: How the Kingdom might be beſt 'defended; the Sea beſt kept; the Marches of *Scotland* 'beſt guarded; *Gaſcoigny* preſerved; and how the 'Charges of theſe Things might be borne with the moſt 'Eaſe to the People.' And then he gave Notice, 'That thoſe who would complain in that Parliament of 'any Thing which could not well be reverſed at Com-'mon Law, might carry their Petitions to the Clerks [412] 'in Chancery, there named, and appointed to receive 'them.'

Immediately after the Chancellor had ended his Charge, the Duke of *Glouceſter* fell on his Knees before the King, and ſaid, 'That he underſtood his Majeſty 'had been informed, that he was about to depoſe him 'and make himſelf King; and offered to ſtand to the 'Award and Judgment of his Peers in Parliament.' Upon this, the King declared openly, *That he did not think him guilty, and fully excuſed him.*

The Lords Spiritual and Temporal, then preſent, claimed, as their Liberty and Franchiſe, that all great

apud Weſtmonaſterium, *in craſtino Purificationis beatæ* Mariæ, *proximo futuro, teneri ordinavimus ad coſdem Diem & Locum venire faceres.—Nos tamen, attendentes dictam Claſulam* [in Debatis modernis magis indifferentes] *contra* Formam Electionis, antiquitus uſitatæ, *ac contra* Libertatem Dominorum & Communitatis *Regni noſtri* Angliæ, *hactenus obtentam exiſtere.—Volentes providere prædictos Milites* libere eligi, *modo et Forma, prout antiquitus fiere conſuevit.—Tibi præcipimus, firmitur injungentes, quod de Comitatu tuo prædicto, duos Milites, Gladiis cinctos, magis idoneos et diſcretos prout hactenus fieri conſuevit eligi, et eos ad dictos Diem et Locum venire facias*, dicta Clauſula non obſtante.—*Cæteraque omnia et ſingula, in dicto Brevi noſtro contenta, facias et exequaris, juxta Tenorem ejuſdem*, dictam Clauſulam penitus omittens; *et habeas ibi hoc Breve et aliud Breve.*

Teſte Rege apud Weſtmonaſterium *primo Die* Januarii.

Per ipſum Regem et Conſilium.

Fœd. Ang. Tom. VII. p. 526.

Conſimilia Brevia diriguntur ſingulis Vicecomitibus per Angliam.

[1] Brother to the Earl of *Arundele*, from whence he is often called *Thomas de Arundele.*

[k] *Molt Sagement et Eloquentment*, &c. Rot. Par. 11 *Rich.* II, N°. 1.

K. *Richard* II. Matters, moved in that Parliament. or to be moved in any future Parliament, touching Peers of the Land, ſhould be diſcuſſed and judged by Courſe of Parliament, and not by the Civil or Common Law of the Land uſed in the lower Courts of the Kingdom. Which Claim, Liberty, and Franchiſe, the King, in full Parliament, readily allowed and granted.

Five Lords lodge an Appeal againſt the King's Miniſters

Then five Lords, who were called *Appellants*, becauſe they were the Accuſers of the late Miniſters, whoſe Names were *Thomas* Duke of *Glouceſter*, *Henry* Earl of *Derby*, *Richard* Earl of *Arundele*, *Thomas* Earl of *Warwick*, and *Thomas* Earl of *Nottingham*, Earl Marſhal, ſtood up and made open Proteſtation, in full Parliament, touching their Appeal and Suit in that Parliament, and that what had before been done, by the Aſſiſtance of the People, in their Company or Retinue, was done principally to the Honour of God, in Aid and Safety of the King and his Kingdom, and the Security of all their Lives.

A Subſidy granted,

On the 10th Day of *March*, and the 36th of this Parliament, the Lords and Commons granted Half a Tenth and Half a Fifteenth, with Proteſtation, That it was done of Neceſſity, and that it might be no Prejudice to the Lords and Commons for the Time to come, becauſe it was granted before the ending of this Parliament; and further, they prayed the King, That notwithſtanding this Grant ſo made, the Parliament might hold on its Courſe, and be adjourned if Need were; and that all Things touching the ſaid Parliament might be done and executed, as if the Grant had not been made till the End thereof, as in Manner accuſtomed. Which Requeſt the King granted. And,

[413]

And enlarged.

On *Friday* the 20th of *March*, this Parliament further gave the King, in Defence of the Realm, a Subſidy of 3 *s.* on every Tun of Wine, and 12 *d.* on every Pound of Merchandizes, imported into the Kingdom, as well of Aliens as of Denizens; except of Leather, Wooll, Wooll-fells, *&c.* And of thoſe they granted the uſual Subſidy, under the ſame Proteſtation which they made in granting the Half-Tenth and Fifteenth aforeſaid; all to continue to the Feaſt of *Pentecoſt* next enſuing.

The Parliament having granted the King all the Aid they intended at this Time, and which, by the bye, took

took them forty-six Days in effecting, as a Prelude to what was going to be acted, each of the Prelates, Lords, and Commons, then assembled, had the following Oath administer'd to them, upon the Rood, or Cross, of *Canterbury*, in full Parliament: K. *Richard* II.

YOU shall swear that you will keep, and cause to be kept, the good Peace, Quiet, and Tranquillity of the King dom: And, if any will do to the contrary thereof, you shall oppose and disturb him to the utmost of your Power. And if any People will do any Thing against the Bodies of the Persons of the five Lords; that is to say, Thomas *Duke of* Gloucester, Henry *Earl of* Derby, Richard *Earl of* Arundele *and* Surrey, Thomas *Earl of* Warwick, *and* Thomas *Earl Marshal, or any of them, you shall stand with them to the End of this present Parliament, and maintain and support them with all your Power, to live and die with them against all Men, no Person or any other Thing excepted; saving always your Allegiance to the King and the Prerogatives of his Crown, the Laws and good Customs of the Kingdom* [1]. Each Member of both Houses swears to support the Lords Appellants. [414]

After the taking of this Oath, *Easter* being near, the Parliament was adjourned 'till fifteen Days after that Festival: And the King commanded the Lords and Commons to be attendant at the Time aforesaid, as they would answer the contrary at their Peril.

How *Easter* fell this Year we are uncertain, nor is it worth the while to inquire; but this Parliament did not meet, after their Adjournment, 'till *June* 2d, which the Record calls the 120th Day of its Duration, and which Time they did not spend wholly in Devotion, but were far otherwise employed, as will appear in the Sequel.

The first Thing they did after their Meeting, was to renew and enlarge their former Grant of a Subsidy on Woolls, &c that is to say, of every Sack of Wooll, over and above the antient Custom of half a Mark, 43*s.* 4*d.* of Denizens, and 46*s.* 8*d.* of Aliens; of every Last of Skins, above the old Custom of one Mark, six Marks of Natives, and seven Marks of Strangers; and of every 240 Wooll-fells, above the old Custom of half a Mark, 43*s.* 4*d.* of Natives, and 46*s.* 8*d.* of Aliens; to continue from *Sunday* in *Whitsun* Week last past, which The former Subsidies still enlarg'd.

1 Cotton's *Abridgement of Records*, p. 322.

K. *Richard* II. which was the 23d of *May*, to the Feaſt of St. *John Baptiſt* next coming, and from the ſaid Feaſt to the ſame Day Twelvemonths, on Condition that the five Lords Appellants, before-mentioned, ſhould have paid, out of the Money ariſing from this Grant, 20,000*l.* for Coſt, Travel, and Expences lately laid out *for the Honour, Profit, and Safety of the King and of the whole Realm.* The Tonnage and Poundage granted in their laſt Meeting was alſo confirmed in this; with this Addition, That it was to continue to the ſame Time mentioned with the Subſidy.

The Parliament vote 20,000*l.* to the ſaid five Lords for the Service done to their Country.

Next follow, on the Record, the Petitions of the Commons, in Number 27. For Brevity's Sake we ſhall only mention the two firſt, though the whole of them ought not to be omitted in a particular Hiſtory of this unfortunate King's Life. In them may be ſeen the higheſt Inſolence practiſed by the Lower Houſe of Parliament, in their Addreſs to the Throne, that ever was uſed before or ſince, except in the laſt Age; by which may be found how early the Engines were at Work to poiſon the Minds of the People againſt their Sovereign, and which ended, at laſt, in his final Ruin and Deſtruction.

Their firſt Petition was, 'That it would pleaſe the 'King, out of his ſpecial Grace and Favour, to grant 'that another Parliament might be held, for the Good 'and Benefit of the Realm, to meet fifteen Days after '*Michaelmas* next. The Anſwer was, *The King will be adviſed.*—The next, 'That no Perſon, of what De-'gree ſoever, do intermeddle with the Buſineſs of the 'Kingdom, nor the King's Council, but thoſe aſſigned 'in this Parliament, unleſs it be by Order of the conti-'nual Council: And alſo that they might have Power to 'remove all Perſons from the King whom they thought 'fit to remove, and put others in their Places.' To which the King's Anſwer was, *As to the firſt Part of the Article, the King granted it; and as to the ſecond, if any Lord of the Council, or other Lord of the Kingdom, will inform the King that he had about him any Perſon not ſufficient or honeſt, if it be ſo proved, he ſhall be removed, and another more able, by his own Conſent, put in his Place.*

But the greateſt Affair that was tranſacted in this Parliament, was the Impeachment and Trial of this King's chief Miniſters, Favourites, Judges, &c. that

were

were his Adviſers in the late Buſineſs at *Nottingham*. It begun on the very firſt Day of their Meeting [m], *Feb.* 3, when the five Lords Appellants, mentioned before, exhibited Articles of High Treaſon againſt *Alexander* Archbiſhop of *York*; *Robert de Vere*, Duke of *Ireland*; *Michael de la Pole*, Earl of *Suffolk*; the Judges, *&c.* which, though many in Number, and the Proceedings thereon ſomewhat long, yet a Matter ſo curious in Parliamentary Inquiries muſt ſuffer no Abridgement in this Hiſtory [n]. K. *Richard* II.

I. 'THAT, as falſe Traitors to the King and Realm, ſeeing the tender Age of our ſaid Lord the King, and the Innocency of his Royal Perſon, they had, by many falſe Contrivances, by them without Loyalty or Good Faith imagined and ſuggeſted, endeavoured wholly to engroſs his Majeſty's Affection, and to make him entirely give Faith and Credence to what they ſhould ſay, though never ſo pernicious to himſelf and his Realm, and to hate his loyal Lords and People, by whom he would more faithfully have been ſerved; encroaching and aſſuming to themſelves a Power, to the diſfranchiſing our Lord the King of his Sovereignty, and impairing his Royal Prerogative and Dignity, making him ſo far obey them, that he hath been ſworn to be governed and counſelled by them only; by Means of which Oath, and the Power they have ſo traiterouſly uſurped, great Inconveniences, Miſchiefs, and Deſtructions have happened, as by the ſubſequent Articles will appear. Articles of Impeachment againſt the Archbiſhop of *York*, the Duke of *Ireland*, Earl of *Suffolk*, the Judges, *&c.*

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II.

[m] Though the Impeachment was brought in the firſt Day, the Articles of it are not entered on the Rolls 'till the End of this Parliament, when they and the Proceedings upon them ſtand together, and are called *Pars ſecunda et tertia*.

[n] Theſe Articles are preſerved, in their original *French*, in *Knyghton*, in *Decem Script.* col. 2715, *&c.* In *Rot. Parl.* 11 *Richard* II. N°. 1. Part ii. and iii. And in the *Statutes at large*, *Anno* 11 *Richard* II.

Three Ladies were alſo baniſhed the Court at this Time, and put under Guard, *viz.* the Lady *Mohun*, the Lady *Molineaux*, and the Lady *Poinings*; but for what Crime is not mentioned. *Walſingham* and *Knyghton*.

The King's Writs to the ſeveral Governors of the Caſtles of *Glouceſter*, *Dover*, *Nottingham*, *Briſtol*, and *Rocheſter*, for keeping in ſafe Cuſtody *Robert Treſilian*, *Nicholas Brembre*, *John Beauchamp de Holt*, *Thomas Trewit*, and *John Saliſbury*, Knights; *John Lincoln*, Clerk of the Exchequer; *Simon de Burley*, *William de Elmham*, *John Golofre*, *James Berners*, and *Nicholas Dagworth*, Knights; *Nicholas Slake*, *Richard Midford*, and *Richard de Clifford*, Clerks, are in the *Public Acts*, Tom. VII. p. 566, 7.

K. *Richard* II.

II. 'Whereas the King is not bound to make any 'Oath to any of his Subjects, but on the Day of his 'Coronation, or for the common Profit of him and his 'Realm, the ſaid Biſhop, Duke, and Earl, falſe Traitors 'to the King and Realm, have made him ſwear and aſ- 'ſent to them, that he will maintain and defend them, 'and live and die with them: And ſo whereas the King 'ought to be of a free Condition above any other in his 'Realm, they have brought him more into Servitude 'and Bondage, againſt his Honour, Eſtate, and Royalty, 'contrary to their Allegiance, and as Traitors unto him.

III. 'The ſaid Traitors, by the Aſſent and Counſel of '*Robert Treſilian*, the falſe Juſtice, and *Nicholas Brem-* 'bre, the falſe Knight of *London*, by their falſe Covin, 'would not at all ſuffer the Great Perſons of the Realm, 'nor the good Subjects of the King, to ſpeak to or ap- 'proach the King to give him wholeſome Advice, nor 'the King to ſpeak to them, unleſs in the Preſence and 'Hearing of them the ſaid Duke of *Ireland*, &c. or two 'of them, at their Will and Pleaſure, or about ſuch 'Things as they thought fit, to the great Diſgrace of 'the Nobles and good Counſellors of the King, and to 'the preventing of their Good-will and Service towards 'the King, thereby encroaching to themſelves the Royal 'Power, and a Lordſhip and Sovereignty over the Per- 'ſon of the King, to the great Diſhonour and Peril of 'the King, his Crown, and Realm.

IV. 'The ſaid Archbiſhop, &c. by ſuch their falſe 'Devices and pernicious Counſels, have diverted the 'King from ſhewing due Countenance to his Great 'Lords and Liege People, ſo that they could not be an- 'ſwered in their Suits and Rights, without the Leave 'of them the ſaid Archbiſhop, &c. thereby putting the [416] 'King beſides his Devoir, contrary to his Oath, con- 'triving to alienate the Heart of our Lord the King from 'his People, that they might engroſs amongſt themſelves 'only the Government of the Realm; whereby they 'have cauſed our Lord the King, without the Aſſent 'of the Realm, or any Deſert in them, to have given 'away, by their Abetment, many Lordſhips, Caſtles, 'Towns, and Manors, as well annexed to his Crown 'as others; as, particularly, the Land of *Ireland* and

'*Oke-*

'*Okeham*, with the Foreſt and Lands which did belong K. *Richard* II.
'to the Lord *Dandelegh*, and great Quantities of other
'Lands to the ſaid Duke of *Ireland*, and divers others;
'whereby they unworthily are vaſtly enriched, but the
'King rendered poor, and unable to ſuſtain and defray
'the Charges of the Government, unleſs by Impoſitions,
'heavy Taxes, and Tributes laid upon his People, to
'the Diſinheriſon of his Crown, and the Deſtruction
'of the Realm.

V. 'By ſuch Encroachment of the ſaid Archbiſhop,
'*&c.* and by the Counſel of that falſe Juſtice *Treſilian*, and
'*Brembre* the falſe Knight of *London*, they have cauſed
'our Lord the King to have given away divers Manors,
'Lands, Tenements, Offices, and Bailiwicks, to divers
'other Perſons their Creatures, and ſuch as they could
'confide in, and to others, of whom they have taken
'great Gifts by way of Brokage to that Purpoſe, and
'to ſtand by them in their falſe Suits and ill Purpoſes,
'to the great Prejudice of the King and Realm; ſuch as
'Sir *Robert Manſel*, Clerk, *John Blake*, *Thomas Uſk*,
'and divers others.

VI. 'The ſaid Duke, *&c.* encroaching to themſelves
'the Royal Power, have cauſed the King to give very
'great Gifts of Gold and Silver, as well of his proper
'Goods and Jewels, as of the Goods and Treaſure of
'the Realm; as Tenths, Fifteenths, and other Taxes,
'granted by divers Parliaments, to be expended for the
'Defence and Safeguard of the Kingdom, which yet, to
'the Value of 100,000 Marks, have been laviſh'd away
'upon the ſaid Duke of *Ireland* and others. And tho'
'many good Ordinances and Laws have been made in
'Parliament, as well for maintaining and carrying on of [417]
'Wars, as for the Defence of the Realm, yet they have
'been by them diſturbed and defeated, to the great Diſ-
'honour and Damage of the King and Realm.

VII. 'By ſuch Encroachment, and the great Gifts
'and Brokages taken by the ſaid Duke of *Ireland*, *&c.*
'it came to paſs that divers unfit and inſufficient Perſons
'were preferred to, and intruſted with, the Keeping
'and Government of divers Garriſons, Caſtles, and
'Countries involved in War, as in *Guienne* and elſe-
'where, both beyond and on this Side the Sea, where-
'by the ſaid Strong-holds have been loſt, the Countries
'waſted,

K. *Richard* II. ‘ wasted, and the People, faithful Subjects to the King, ‘ destroyed; and great Seigniories newly rendered into ‘ the Hands and Possessions of Enemies, without the ‘ Assent of the Realm, as the Marches of *Scotland*, *&c.* ‘ to the Disinherison of the King's Crown, and the great ‘ Loss of the Kingdom, as in *Harpeden* and *Craddock*, ‘ and divers others.

VIII. ‘ By the same Means the said Archbishop and ‘ his Fellow-Traitors have caused divers People to be ‘ disturbed and deprived of Right and the Common Law ‘ of *England*, and put to intolerable Delays, Losses, and ‘ Costs; and the Statutes and Judgments which right- ‘ fully, for necessary Causes, have been made and given ‘ in Parliament, have been reversed and annulled by the ‘ Procurement of the said Malefactors and Traitors; ‘ and all this because of the great Gifts and Brokages by ‘ them received of Parties, to the grand Mischief of the ‘ King and Realm.

IX. ‘ The said Archbishop and other Traitors have ‘ caused and counselled our Lord the King to grant Char- ‘ ters of Pardon of horrible Felonies and Treasons, as ‘ well against the State of the King, as of the Person ‘ injured and prosecuting; which Thing is against the ‘ King, and the Oath of the King.

X. ‘ Whereas the said Seigniories of the Land of *Ire-* ‘ *land* are, and Time out of Mind have been, Parcel of ‘ the Crown of *England*, and the People of *Ireland*, ‘ Liege Subjects to our Lord the King, and his Royal ‘ Progenitors Kings of *England*, who, in all their Char- [418] ‘ ters, Writs, Letters Patent, and in all their Seals, have, ‘ for the Augmentation of their Renown and Royalty, ‘ been intitled Lords of *Ireland*; yet the said Arch- ‘ bishop, *&c.* as false Traitors, by their said Encroach- ‘ ment, have caused and counselled our Lord the King, ‘ as much as in him lies, to have granted and fully as- ‘ sented and accorded, that the said *Robert de Vere*, Duke ‘ of *Ireland*, should be made King of *Ireland*: And, to ‘ complete such their ill Purpose, have advised and ex- ‘ cited our said Lord the King to send his Letters to our ‘ Holy Father the Pope, to grant, ratify, and confirm ‘ this their traiterous Design, without the Privity or As- ‘ sent of his Realm of *England*, and of the said Land of ‘ *Ireland*, to the dividing the Liegiance of the King be- ‘ tween

'tween his Realm of *England* and the ſaid Land of *Ire-* K. *Richard* II.
'*land*, in Diminution of his Majeſty's honourable Stile,
'and open Diſinheriſon of the Crown of *England*, and
'full Deſtruction of the lawful Liege Subjects of our
'Lord the King, and of the ſaid Land of *Ireland*.

XI. 'Whereas by the Great Charter, and other good
'Laws and Uſages of the Realm of *England*, no Man
'is to be taken, nor any Priſoner put to Death, without
'the due Proceſs of Law; the ſaid *Nicholas Brembre*,
'the falſe Knight of *London*, did take, by Night, cer-
'tain Priſoners, to the Number of 22, out of the Goal
'of *Newgate*, ſome of them being indicted and appealed
'of Felony, and ſome Approvers in Caſes of Felony,
'and ſome on Suſpicion of Felony, and carried them out
'of *London* into *Kent*, to a Place called *Foulhoke*; and
'there, encroaching on the Royal Power, and in Defi-
'ance of the ſaid Laws, as a Traitor to the King, did,
'without any Proceſs of Law, cauſe them all to be be-
'headed, except one who was appealed of Felony, by
'an Approver, whom he ſet at large at the ſame Time.

XII. 'The aforeſaid Archbiſhop and other Traitors
'have, in ſmall Cauſes, taken great Gifts in the Name
'of the King, of divers Parties, to maintain and abet
'them in their Suits and Quarrels, and ſometimes have
'played the Ambo-Dexters, and taken Money of both
'Sides.

XIII. 'Whereas divers of the Great Lords, loyal [419]
'Subjects to the King, in divers Parliaments, ſeeing the
'Dangers, and apprehending the Deſtruction threat-
'ening the King and Realm, by Means of the Miſchiefs
'of theſe Malefactors, have moved to have good Go-
'vernance under the King, to avoid the ſaid Perils:
'The forenamed Archbiſhop, and other Traitors, by
'their Encroachments and fatal Influences, have ſo
'ordered Matters, that the King has not only been deaf
'to all ſuch Perſuaſions, but alſo has commanded ſome
'of thoſe that moved it to depart from his Council,
'and to ſpeak no more of ſuch Matters, nor touching
'the good Governance of the King and Kingdom, on
'Pain of Death; to the great Prejudice of the King and
'Kingdom.

XIV. 'Whereas in the laſt Parliament, all the
'Lords and other Sages there aſſembled, (ſeeing the
'Loſs

K. *Richard* II. ‘ Loſs and Deſtruction of the King and Realm, and ‘ the Perils and Miſcheifs aforeſaid; and that the King ‘ was departed from the Council of the Realm, and ‘ wholly abandon'd himſelf to the Counſels of the ſaid ‘ Malefactors and Traitors; by Means whereof the ‘ *French* King had Ships and a Royal Power on the ‘ Sea, ready to have arrived in *England*, the ſaid Realm, ‘ and the very Language of *England*, to deſtroy; ‘ and that no Proviſion was made, or good Governance ‘ taken, for the Safety of the King nor Realm.) finding ‘ no other Remedy, did remonſtrate to the King very ‘ fully, how he was ill-adviſed, and Affairs moſt per- ‘ niciouſly manag'd by the aforeſaid Traitors and Male- ‘ factors, declaring to him their wicked Conditions; ‘ and moſt humbly beſeeching him, for the Safety of ‘ himſelf, and of all his Realm, and avoiding the mid ‘ impending Dangers, to forſake and turn theſe Trai- ‘ tors from his Preſence and Company, and no longer ‘ to conduct himſelf after their evil Counſel, but to ‘ hearken to the ſage, loyal, and diſcreet Perſons of his ‘ Realm: Whereupon the ſaid Archbiſhop and other ‘ Traitors, to defeat this wholeſome Advice of the Par- ‘ liament, by their falſe Counſel, did then cauſe the ‘ King to command the Mayor of *London* ſuddenly to [420] ‘ levy a great Power of the People of that City, to at- ‘ tack and put to Death all the ſaid Lords and Com- ‘ mons, except ſuch as were of their Cabal: At the ‘ Execution of which Villany the ſaid great Malefac- ‘ tors and Traitors ſhould be preſent and Parties, to the ‘ Scandal and great Diſſervice of the King and his ‘ Realm.

XV. ‘ When the ſaid Archbiſhop and other Traitors ‘ perceived that the ſaid Mayor and good People of *Lon-* ‘ *don* had openly refuſed, in the Preſence of the King, ‘ to accompliſh ſuch their Treachery and lewd Purpoſes, ‘ touching the Murder of the ſaid Lords and Commons, ‘ they then, by ſuch their traiterous Encroachment, ‘ falſly adviſed the King, and ſo far prevailed that our ‘ Lord the King did abſent himſelf from his Parliament ‘ for many Days, and did certify them, That he would ‘ never approach the ſaid Parliament, nor commune ‘ with the ſaid Lords and Commons touching the Af- ‘ fairs of the Realm, for any Danger, Loſs, or Miſ-

‘ chief

'chief that might happen to him or his Realm, unleſs K. *Richard* II.
'he were firſt aſſured by the ſaid Lords and Commons
'that they would not ſay nor act any thing in that Parlia-
'ment againſt any of the ſaid Malefactors, ſave only in
'the Proceſs which was begun againſt *Michael de la*
'*Pole*: All which was to the Diſſervice of the King and
'his Realm, and contrary to the antient Ordinance
'and Liberties of Parliament.

XVI. 'The ſaid Lords and Commons of the Realm,
'after they found the King's Will, by the malignant
'Counſel and Excitement of the ſaid Archbiſhop and
'other Traitors, to be ſuch, that he would not ſuffer
'any Thing to be commenced, proſecuted, or done
'againſt the ſaid Malefactors and Traitors, were pleaſed
'to acquieſce, and not proceed therein any further
'againſt his Pleaſure. And afterwards in the ſaid Parlia-
'ment, taking the Advice and Counſel of all the Lords,
'Judges, and other Sages and Commons of the ſaid
'Parliament, how the Eſtate of the King and his Roy-
'alty might beſt be preſerved from the Perils and Miſ-
'chiefs aforeſaid, could not find any apter Expedient,
'than to ordain, That Eleven of the loyal and ſage
'Lords of the Land ſhould be of Council to the King
'for one Year then next enſuing: And that there [421]
'ſhould be made, during that Time, a Statute and Com-
'miſſion, whereby they ſhould have full and ſufficient
'Power to order Matters for the Government of the
'King and of the Realm, and what appertained to the
'King, as well on this Side as beyond the Seas: And
'to repel, repair, and redreſs whatever ſhould have been
'ill done againſt the Eſtate, Honour, and Profit of the
'King and Kingdom, and to do divers other Things
'neceſſary for the King and Realm, as in the Com-
'miſſion thereupon iſſued, and remaining of Record in
'Chancery, is contained. And that no Perſon ſhould
'preſume to counſel the King, or any way move him
'againſt the ſaid Ordinance and Statute, on Pain of
'forfeiting, for the firſt Offence, all their Goods and
'Chattels; and Pain of Death, for the ſecond: Such
'Expedient and Ordinance to be made if it would ſo
'pleaſe the King, and not otherwiſe. To which Or-
'dinance, or Statute, all the Judges of the Land agreed,
'and gave their Conſent unto, and Advice for the ſame,

'as

K. *Richard* II. ‘ as well in Preſence of the King, as of the Lords.
‘ And alſo, our Lord the King did fully give his Aſſent
‘ to the ſame; and thereupon the ſaid Ordinance, Sta-
‘ tute, and Commiſſion, were made and accorded unto
‘ by the Aſſent of the King, and of the ſaid Lords and
‘ Judges, and other Sages and Commons aſſembled in
‘ that Parliament, for the Safety of the King, his Roy-
‘ alty and Realm. And yet, after the End of the ſaid
‘ Parliament, the aforeſaid Traitors and Malefactors, by
‘ ſuch their evil Encroachments, falſly and traiterouſly
‘ did inform the King, That the ſaid Ordinance, Sta-
‘ tute, and Commiſſion were made in Derogation of his
‘ Royalty; and that all thoſe who procured or adviſed
‘ the making thereof, or counſelled the King to aſſent
‘ thereunto, were worthy of Death, as Traitors to the
‘ King.

XVII. ‘ That after this, the ſaid Traitors, the Arch-
‘ biſhop, *&c.* cauſed the King to aſſemble a Council
‘ of certain of the Lords Juſtices and others, without
‘ the Aſſent or Preſence of the ſaid Lords of the Great
‘ Council, to whom they made many Demands, and
‘ very much ſuſpicious, touching divers Matters, where-
[422] ‘ by the King, the Lords, and the common People
‘ have been involved in moſt grievous Trouble, the
‘ whole Realm diſquieted, and the Hearts of many
‘ withdrawn from the King, ſaving their Allegiance.

XVIII. ‘ To accompliſh the ſaid High-Treaſons,
‘ the ſaid Traitors, the Archbiſhop, *&c.* cauſed the
‘ King to go with ſome of them throughout the Midſt
‘ of his Realm, and to make the Lords, Knights,
‘ Eſquires, and other good People, as well in Cities and
‘ Boroughs, as in other Places, to come before him,
‘ and there to become bound, ſome by Obligation,
‘ others by their Oaths, to our ſaid Lord the King, to
‘ be with him againſt all People, and to accompliſh the
‘ Purpoſe of the King; which, at that Time, was to ac-
‘ compliſh the Will and Purpoſes of the ſaid Malefac-
‘ tors and Traitors, drawn in thereunto by their falſe
‘ Contrivances, Flatteries, and Deceits: Which Secu-
‘ rities and Oaths were made againſt the good Laws
‘ and Uſages of the Land, and contrary to the Oath of
‘ the King, to the great Diſhonour of the King and
‘ Kingdom; by Means of which Oaths ſo inforced,
‘ the

the whole Realm was embroil'd in great Murmurs and Trouble by the said Traitors, and in Danger to have suffered divers important Mischiefs. K. Richard II.

XIX. 'To inforce their Purposes, the said Traitors caused the King to absent himself in the furthest Parts of his Realm, to the Intent that the Lords, appointed by the said Ordinance, Statute, and Commission, might not confer and advise with him touching the Affairs of the Realm: To the Interruption and Hinderance of the Purport and Effect of the said Statute and Commission, and great Prejudice of the King and Realm.

XX. 'The said Malefactors and Traitors, after they had estranged both the Person and Good-will of the King from the said Lords so commissioned, and that he esteemed them Traitors and Enemies, and that they had obtain'd the Opinions of the Judges suited to their wicked Purposes, did agree and design, That several of the Lords, and also divers loyal Commons, should be first arrested and then indicted in *London* and in *Middlesex*, and, by false Inquests, attainted of certain Treasons falsly imagined against them, and so put to shameful Death: To which Purpose they had [423] procured an evil and false Person of their Conspiracy, called *Thomas Usk*, to be Under-Sheriff, by whose Means the said false Inquests were to be taken, and the wicked Design accomplished by Colour of Law. And, for the more compleat effecting thereof, they caused the King to send his Letters of Credence by *John Rypon*, a false Clerk, and one of their Crew, directed to the Mayor of *London*, That he should seize the Duke of *Glouceſter*, and others therein named, to be indicted for certain Treasons, in such Manner as the said *Nicholas Brembre* the false Knight, and *John Blake*, who were thereof fully informed, should direct: By Virtue of which Letters of Credence, *Brembre* and *Blake* carried to the Mayor the said false Indictment, commanding him, on Behalf of the King, that to his Power he should promote the same: And also they ordered, that a strong Watch should be set to seize the Duke of *Lancaſter* upon his first Arrival.

XXI. 'The said Traitors having traiterously informed the King, that he should believe that the said Ordinance, Statute, and Commission, were made in De-

K. *Richard* II. ‘ rogation of his Royalty and Prerogative, did further ‘ perſuade him, that the ſame was made with an Intention to degrade, and finally to depoſe our Lord the ‘ King: And perceiving that thereby he looked upon his ‘ loyal Lords as Traitors and Enemies, they yet further ‘ adviſed him, that by all Means poſſible, as well by the ‘ Power of his own Liege People, as by the Force of ‘ his Enemies, the *French* and others, he ſhould deſtroy ‘ and put to Death the ſaid Lords and others, that aſ‘ ſented to the making of the ſaid Ordinance, and that ‘ the ſame might be done ſo privily that none ſhould ‘ know of it till it was done.

XXII. ‘ In order to theſe Treaſons, by their Counſels, ‘ they cauſed the King to ſend Letters to his Enemy the ‘ *French* King, ſome by *Nicholas Southwell*, Groom of ‘ his Chamber, and others, by other Perſons of baſe ‘ Condition, as well Aliens as Denizens, requiring and ‘ praying the ſaid *French* King, that he would, with all ‘ his Power and Counſel, aid and aſſiſt our Lord the King [424] ‘ to deſtroy and put to Death the ſaid Lords and others, ‘ whom they had ſo falſly repreſented as Traitors, to the ‘ great Diſturbance of the whole Realm.

XXIII. ‘ That, uſurping to themſelves Royal Power, ‘ they cauſed the King to promiſe the *French* King, by ‘ his Letters Patent and Meſſages, for ſuch his Aſſiſtance ‘ to accompliſh the ſaid Treaſon and Murder, to give ‘ and ſurrender to the ſaid *French* King the Town and ‘ Caſtle of *Calais*, and divers other Forts and Places, ‘ as *Breſt*, *Cherburgh*, and others, *&c.* to the great Diſ‘ honour, Trouble, and Prejudice of the Realm.

XXIV. ‘ That, after this traiterous Contrivance, it ‘ was agreed between our Lord the King and the *French* ‘ King, by the Inſtigation and Influence of theſe Trai‘ tors, that a Parley or Interview ſhould be had in the ‘ Marches of *Calais*, and a Truce of five Years between ‘ the Realms of *England* and *France*: At which Inter‘ view, by Treachery, the ſaid Lords and others, whom ‘ the King took for Traitors, attending him thither, ‘ ſhould there be ſlain. In order to which they procu‘ red ſeveral Letters of Safe-Conduct from the ſaid ‘ *French* King, for the ſaid Duke of *Ireland*’s going into ‘ *France*, to accompliſh this ill Purpoſe and Treaſon; ‘ which Letters are ready to be ſhewn.

XXV.

XXV. 'That the said *Brembre*, by the Assent and Counsel of the said other Traitors, did come into *London*, and, without the Assent or Knowledge of the King, did cause all the Companies of the City to be sworn to hold and perform divers Matters, as they are contained in the said Oath, which is of Record in Chancery: And, amongst other Things, that they should hold with and maintain the Will and Purpose of the King to their Power, against all that are or shall be Rebels, or contrary to his Person, or Royal Pleasure: And that they should be ready to destroy all those which do or shall purpose Treason against our said Lord the King, in any Manner; and be ready, with their Mayor, to resist, during Life, all such Traitors, &c. At which Time the King, by the Misinformation of the said Evil-doers and Traitors, and by the false Answers of the Judges, did firmly hold the said Lords and others, who assented to the making of the said Ordinance, Statute, and Commission, to be Rebels, Traitors, and Enemies unto him: By all which, the said Traitors endeavoured to stir up the said People of *London*, to destroy the said Lords and other loyal Subjects. K. *Richard* II. [425]

XXVI. 'The said *Brembre*, and other Traitors to the King and Realm, usurping to themselves Royal Power, did, of their own Authority, without any Warrant from the King or his Great Council, cause Proclamation to be made thro' the City of *London*, That none of the Liege Subjects of our Lord the King should sustain, comfort, or aid *Richard* Earl of *Arundele* and *Surry*, one of the Lords of the King's Great Council, during the said Commission; nor sell him any Armour, Victuals, or other Necessaries, on Pain of being proceeded against as Rebels, carrying about and shewing a Patent of the King's, but of another Tenor, the better to compass such their false Proclamation.

XXVII. 'They also caused it to be cried and proclaimed in the City of *London*, That no Person should be so hardy as to presume to speak any Ill, or utter any Word or Expression against them the said Malefactors and Traitors, or any of them, on Pain of forfeiting

K. *Richard* II. ‘ feiting all they had; which was an Encroachment on ‘ the Royal Power.

XXVIII. ‘ The ſaid Archbiſhop, Chief Juſtice, and ‘ other Traitors, cauſed the King to command his Coun- ‘ cil to make certain Perſons throughout *England* She- ‘ riffs, who were named to him by them the ſaid Trai- ‘ tors, with an Intent to get ſuch Perſons as they ſhould ‘ name returned for Knights of the Shire to ſerve in Par- ‘ liament; and to keep out from thence Gentlemen good ‘ and loyal, againſt the good Laws and Cuſtoms of the ‘ Land.

XXIX. ‘ The ſaid Traitors, during the Time that ‘ the King had ſo taken both Parties into his Protection ‘ as aforeſaid, did falſly counſel and prevail with the ‘ King to command, by his Letters, divers Knights and ‘ Eſquires, Sheriffs, and other Miniſters of ſeveral Coun- ‘ ties, to levy Men, and aſſemble all their Power to join [426] ‘ with the ſaid Duke of *Ireland*, againſt the ſaid three ‘ Lords now appealing, ſuddenly to make War upon ‘ and deſtroy them.

XXX. ‘ During the Time of the ſame Protection, ‘ they cauſed the King, by his Royal Letters, to ſignify ‘ to the ſaid Duke of *Ireland*, not only that he and ‘ others were appealed of Treaſon as aforeſaid, but alſo ‘ that he ſhould have ſufficient Power to guard him, and ‘ come with him to the King: And afterwards cauſed ‘ him to write again to the ſaid Duke of *Ireland*, that he ‘ ſhould take the Field with all the Forces he could aſ- ‘ ſemble; and that the King would meet him with all ‘ his Troops, and would expoſe and venture his Royal ‘ Perſon: And that the King was in great Peril for ‘ himſelf and his Realm, unleſs ſuccoured and aided by ‘ the ſaid Duke: And that the ſaid Duke ſhould ſhew ‘ and declare to all the People aſſembled with him, ‘ That the King would bear and pay all Debts and Coſts ‘ of the ſaid Duke of *Ireland*, and all that joined with ‘ him. By Virtue of which Letters, and the evil and ‘ traiterous Inſtigation as well of the ſaid Duke, as of ‘ his Adherents and other Traitors, the ſaid Duke of ‘ *Ireland* did actually levy and aſſemble great Numbers ‘ of Men at Arms, and Archers, as well of the Counties ‘ of *Lancaſter*, *Cheſhire*, and *Wales*, as of other Places ‘ of the Realm, in warlike Manner, to deſtroy and put

‘ to

'to Death the ſaid Lords, who had conſented to the K. *Richard* II.
'making the ſaid Ordinance, Act of Parliament, and
'Commiſſion, in Defence of the King and Realm.

XXXI. 'That, having thus traiterouſly levied Forces,
'the ſaid Duke marched with them through the Midſt
'of *England*, and, uſurping the Royal Power, did cauſe
'the King's Banner to be diſplayed before him, contrary
'to the Eſtate of the King, and of his Crown. In which
'March the ſaid Duke and his Accomplices were, by
'the Grace of God, diſturbed, and prevented from their
'evil Purpoſes.

XXXII. 'That the ſaid Duke of *Ireland*, by the
'Counſel and Abetment of the reſt of the fore-named
'Traitors, encroaching to himſelf the Royal Power,
'without the uſual Commiſſion of the King, or other
'ſufficient Warrant, did make himſelf Juſtice of *Cheſter*, [427]
'by him and his Deputies to hold there all Manner of
'Pleas of the Crown, and thereupon to give Judgment
'and award Execution: And alſo cauſed divers original
'and judicial Writs to be ſealed with the Great Seal of
'the King in that Behalf uſed; and thereby compelled
'a great Part of the People of thoſe Counties to join
'with him, or otherwiſe put ſome of them to grievous
'and tormenting Death, impriſoned ſome, and ſeized
'the Lands of others, *&c.* And all this to make War
'and deſtroy the ſaid Lords and other loyal Subjects of
'the King, and againſt the Defence of the Realm.

XXXIII. 'That the ſaid Traitors have cauſed the
'King to grant great Retinues to divers People, and give
'them Badges and Enſigns otherwiſe than ever was uſed
'in the Time of any of his Progenitors; and this with
'Deſign to gain greater Power to accompliſh their
'Treaſons.

XXXIV. 'Fully to compleat all ſuch their before-
'mentioned and other Treaſons, and to make the King
'wholly confide in, and rely upon them and their
'Counſels, they cauſed the King to call before him di-
'vers Juſtices and People of the Law; that is to ſay,
'*Robert Treſilian*, *Robert Belknappe*, *John Cary*, *John*
'*Holt*, *Roger Fulthorp*, *William Burgh*, ſix Juſtices,
'*John Lockton*, Serjeant at Law, and *John Blake*; of
'whom he did, by the Contrivance of the ſaid Traitors,
'demand, Whether the before-mentioned Act of Par-

K. *Richard* II. ‘ liament and Commiſſion were made in Derogation of ‘ his Royalty and Prerogative or not? And ſeveral other ‘ Queſtions; to which they anſwered in Manner and ‘ Form before ſet forth, *&c.*’

Proceedings thereupon

This Impeachment was exhibited the 3d of *February*, as has been ſaid, being the firſt Day of the Parliament, when the Lords Appellants alſo affirmed, ‘ They were ready to prove ‘ every Article of it, as ſhould be awarded ‘ in Parliament to the Honour of God, and the Advan- ‘ tage and Profit of the King and the whole Realm.’

Whereupon all the Perſons appealed were, by Com- [428] mand of the King and Lords, ſolemnly ſummoned in the Great Hall at *Weſtminſter*, as alſo at the Gates of the ſaid Palace, to come in and anſwer the ſaid Appellants; but upon their Non-Appearance, the ſaid Duke and Lords Appellants prayed that their Default might be recorded. Then, upon the ſaid Appellants alledging, That the Accuſed had full Notice of the ſaid Appeal [a], and the King and Lords being ſatisfied it was ſo, by reaſon they did not appear, their Default was recorded accordingly; whereupon the ſaid Duke and Earls Appellants prayed the King and Lords, ‘ That they might ‘ be adjudged and convicted of the Treaſons contained ‘ in the ſaid Appeal;’ the King commanded the Peers to examine into the Articles ſeverally, which they did, with great Labour and Diligence, untill the 13th of *February*.

During this Interval, the Juſtices, Serjeants, and other Sages of the Law, both of the Realm and of the Civil Law, were charged by the King to give their faithful Advice to the Lords of Parliament, how they ought to proceed in the ſaid Appeal. Who anſwered, ‘ That ‘ they well underſtood the Tenor of the ſaid Appeal; ‘ and affirmed, That it was not made nor brought ac- ‘ cording as the one Law or other required.’ Upon which, the ſaid Lords of Parliament having taken Deliberation and Advice, it was, by the Aſſent of the King, with their common Accord, declared, ‘ That, in ſo high ‘ a Crime as is laid in this Appeal, and which touches ‘ the

[a] A Proclamation, alſo upon the Appeal of the Lords, had been ſent by the King to all the Sheriffs in *England*, commanding the accuſed Lords, *&c.* to appear and anſwer to the Charge at the enſuing Parliament, Dated at *Weſtminſter*, *January* 4. *Fœd. Ang.* Tom. VII. p. 567.

K. *Richard* II.

'the Person of the King, and the Estates of this Realm, 'and is perpetrated by Persons who are Peers thereof, together with others, the Cause cannot be tried elsewhere 'but in Parliament, nor by any other Law or Court, 'except that of Parliament; and that it belongs to the 'Lords of Parliament, and to their free Choice and Liberty, by antient Custom of Parliament, to be Judges 'in such Cases, and to judge of them by the Assent of 'the King; and thus it shall be done in this Case, by [429] 'Award of Parliament, because the Realm of *England*, 'is not, nor ever was, (neither is it the Intent of the 'King and Lords of Parliament that it shall ever be) 'ruled or governed by the Law Civil; and therefore it 'is not their Intent otherwise to proceed in so high a 'Case as this Appeal, which cannot be tried or determined any where else than in Parliament; since the 'Process or Order used in inferior Courts, is only as 'they are intrusted with the Execution of the antient 'Laws and Customs of the Realm, and the Ordinances 'and Establishments of Parliament; and it was the 'Judgment of the Lords of Parliament, by Assent of the 'King, that this Appeal was well and duly brought, 'and the Process upon the same was good and effectual, 'according to the Laws and Course of Parliament, and 'by which they will award and judge it.'

Upon this the Appellants again moved the King and Lords to record their Default; and that *Nicholas Brembre*, who was the only Person in Custody, might be brought to answer. Then the other Persons appealed were again summoned to come in and make Answer, but they did not appear; nevertheless the King and Lords took Time to deliberate 'till next Day, being the 14th of *February*, at which Time the said Appellants again prayed that the Default of the Appealed might be recorded; which was done accordingly.

After which the Archbishop of *Canterbury*, in Behalf of himself, and all other the Suffragan Bishops, with the Abbots, Priors, and other Prelates, holding of the King by Barony, made Protestation, and delivered it in Writing, 'For the saving of their Right of 'Peerage, and sitting and voting in Parliament, notwithstanding they could not now be there, by reason 'of certain Matters then in Agitation, at which, by

The Bishops withdraw, but first enter their Protestation.

'the

K. *Richard* II. 'the Cannons, they could not be perſonally preſent.' The like Proteſtation was made by the Biſhops of *Durham* and *Carliſle*, *mutatis mutandis*; which Proteſtation being, at the Inſtance of the Archbiſhop and other Prelates, read in full Parliament, was, by the Command of the King, and Aſſent of the Lords Temporal, enter'd in the Rolls of Parliament.

[430] On the 15th of *February*, the King and Lords of Parliament being met again in the *White-Hall*, the ſaid Appellants prayed that the laſt Default of the ſaid Archbiſhop, Duke, and Earl, with *Robert Treſilian*, ſhould be recorded. Then the Perſons accuſed being again ſummoned a third Time, and not appearing, the Lords proceeded to Judgment, and declared, 'That divers of 'the Articles therein contained were Treaſon, as the 'firſt, ſecond, tenth, eleventh, fourteenth, ſixteenth, 'ſeventeenth, twenty-ſecond, twenty-third, twenty-'fourth, twenty-ninth, thirtieth, and thirty-firſt Articles;' and then, upon due Information of their Conſciences, they pronounced the ſaid Archbiſhop, Duke, and Earl, with *Robert Treſilian*, 'To be notoriouſly guilty of each 'of the ſaid Articles that concerned them; and that they 'were alſo culpable in all the reſt of the Articles con-'tained in the ſaid Appeal, not yet declared Treaſon.'

Then, in Preſence of the King and Lords aſſembled, at the Day and Place aforeſaid, the ſaid Duke and Earls Appellants prayed the King, and Lords there preſent, 'That the Perſons ſo appealed as aforeſaid ſhould be 'adjudged convicted of the High Treaſon contained in 'the ſaid Appeal.' Wherefore the ſaid Lords of Parliament there preſent, as Judges of Parliament in this Caſe, by Aſſent of the King, pronounced their Sentence, and did adjudge the ſaid Archbiſhop, Duke, and Earl, with *Robert Treſilian*, ſo appealed as aforeſaid, 'To be guilty 'and convicted of Treaſon, and to be drawn and hanged 'as Traitors, and Enemies to the King and Kingdom, 'and that their Heirs ſhould be diſinherited for ever, 'and their Lands and Tenements, Goods and Chattels, 'forfeited to the King; and that the Temporalities of 'the Archbiſhop of *York* ſhould be taken into the King's 'Hands:' And becauſe the like Caſe had not been ſeen in the Kingdom, concerning the Perſon of an Archbiſhop, or Biſhop, the Lords would adviſe by the Aſ-

The Archbiſhop of *York*, the Duke of *Ireland*, the Earl of *Suffolk*, and Sir *Robert Treſilian*, declared guilty of High Treaſon.

ſent

sent of the King what they should best do, for the Ho- K. Richard II.
nour of God, and of Holy Church, and the Safety of the Laws of the Land about him.

Then the Duke and Earls Appellants prayed that Sir *Nicholas Brembre* might be brought to answer; and, on *Monday* the 17th of *February*, the Constable of the Tower brought him into the Parliament, where the Articles of Appeal were read before him, to which he pleaded not Guilty in any Point, and said, 'He was 'there ready to make good what he said by his Body, 'as a Knight ought to do.' The Lords answered, 'Battle did not lie in that Case, and that they would 'examine the Articles touching the said *Nicholas*, and 'take true Information by all true, necessary, and con- 'venient Ways, that their Consciences might be truly 'directed what Judgment to give in this Case, to the 'Honour of God, the Advantage and Profit of the 'King and his Kingdom, and as they would answer 'it before God, according to the Course and Law of 'Parliament.' [431]

During this Examination, on *Wednesday* the 19th of *February*, Sir *Robert Tresilian* was taken, being concealed in an Apothecary's House in *Palace-Yard*, and brought into Parliament; who being asked if he had any Thing to say which had happen'd since Judgment had passed upon him, why Execution should not be done? and he having nothing to say, it was commanded 'That he should be carried to the Tower, and from 'thence drawn upon a Hurdle thro' the City of *London*, 'to the Gallows at *Tyburn*, and there to hang by the 'Neck; and that the Execution should be done upon 'him by the Marshal of *England*, taking to his Assistance 'the Mayor, Sheriffs, and Aldermen of *London*:' And he was executed the same Day accordingly. Sir *Robert Tresilian* hang'd,

On the Morrow, which was the 20th Day of *February*, Sir *Nicholas Brembre* was brought into Parliament, and the Lords, upon diligent Examination, due Proof and Information, found him also guilty of High Treason, and they awarded, by Assent of the King, 'That, 'as a Traitor and open Enemy to the King and King- 'dom, he should be drawn and hang'd, his Heirs for 'ever disherited, and his Lands and Tenements, Goods 'and Chattels, forfeited to the King.' He was executed Also Sir *Nicholas Brembre*.

on

K. *Richard* II. on the same Day accordingly, and in the same Manner as was Sir *Robert Tresilian*.

[432] It was then resolved to be the Intention of the Lords of Parliament, Spiritual and Temporal, as well the Lords Appellants as all others, and by them agreed, *That considering the tender Age of the King before that Time, and the Innocency of his Royal Person, nothing contained in the Appeal, nor in any Article thereof, nor in the Judgment given, should be accounted any Fault or Dishonesty in his Person, in any Manner, for the Causes aboveſaid, nor should turn in Prejudice of his Person by any Imagination or Interpretation whatever; but that the false Treason and Default aboveſaid should be charged upon the Appealed, and that the Judgments given againſt them should have full Force and Virtue, notwithſtanding any Thing that could be said or alledged to the contrary.*

Resolution of Parliament for saving the King's Honour.

Sir *Robert Belknappe*, Chief Justice, and several others, impeached.

On the 2d of *March*, Sir *Robert Belknappe*, late Chief Justice of the Common Bench, Sir *Roger Fulthorp*, Sir *John Holt*, and Sir *William Burgh*, late his Companions of the same Bench; Sir *John Cary*, late Chief Baron of the Exchequer, and *John Lockton*, late Serjeant to the King, were accused and impeached by the Commons in Parliament, 'for putting their Hands and Seals 'to the Questions and Answers given at *Nottingham* 'as aforesaid, by the Procurement of the said appealed 'and convicted Persons of Treason, to cover and affirm 'their High Treasons, *&c.* a Copy whereof was exhi-'bited and read before them, and that Questions were 'answered, as was surmised by the Commons in the 'said Copy;' To which the Appealed replied, 'They 'could not deny but that the Questions were such as 'were then asked them, but the Answers were not such 'as they put their Seals to.'

But Sir *Robert Belknappe* pleaded in particular, 'That 'the Archbishop of *York*, in his Chamber at *Windsor*, 'told him, that he had devised and drawn up the Com-'mission and Statute, whereby the Government was 'wholly taken out of the King's Hands, and that he 'therefore hated him above all Men, and that if he 'found not some Way to make void the said Statute 'and Commission, he should be slain as a Traitor.' He answer'd, 'That the Intention of the Lords, and such as 'assisted at the making of them, was, that they should 'be

'be for the Honour and good Government of the State K. Richard II.
'of the King and Kingdom: That he twice parted from
'the King diſſatisfied, and was in doubt of his Life, [433]
'and ſaid theſe Anſwers proceeded not from his Good-
'will, but were made againſt his Mind, and were the
'Effects of the Threats of the Archbiſhop of *York*,
'Duke of *Ireland*, and Earl of *Suffolk*; and that he
'was ſworn and commanded in the Preſence of the King,
'upon Pain of Death, to conceal this Matter, as the
'Council of the King;' and prayed for the Love of God he might have a gracious and merciful Judgment.

Sir *John Holt* alledged the ſame Matter of Excuſe, and made the ſame Prayer, ſo did Sir *William Burgh* and Sir *John Cary*; who all made the ſame Excuſe, and the ſame Requeſts, as did alſo Sir *Roger Fulthorp* and *John Lockton*, Serjeant at Law.

To all which the Commons anſwer'd 'They were
'taken and holden for Sages in the Law, and the King's
'Will was, that they ſhould have anſwer'd the Que-
'ſtions as the Law was, and not otherwiſe, as they
'did, with Deſign, and under Colour of Law, to mur-
'der and deſtroy the Lords and loyal Lieges, who
'were aiding and aſſiſting in making the Commiſſion
'and Statute in the laſt Parliament, for the good Go-
'vernment of the State of the King and Kingdom;'
and therefore the Commons pray'd that they may be adjudged, convicted, and attainted as Traitors.

Upon which the Lords Temporal took Time to examine the Matter and Circumſtances of it; 'and for
'that they were preſent at the making of the ſaid Sta-
'tute and Commiſſion, which they knew were con-
'trived for the Honour of God, and for the good Go-
'vernment of the State of the King and whole King-
'dom; and that it was the King's Will they ſhould
'not have otherwiſe anſwer'd them than according to
'Law, and had anſwer'd as before:' They were, by the Lords Temporal, by the Aſſent of the King, adjudged 'to be drawn and hang'd as Traitors, their Heirs diſ-
'herited, and their Lands and Tenements, Goods and
'Chattels, to be forfeited to the King.' They are ſentenced to be hang'd;

The next Day *John Blake* and *Thomas Uſk* were brought into Parliament; and firſt *John Blake* was im- [434]
peached by the Commons, 'That being retained of
'Counſel

K. *Richard* II. ‘Counſel for the King, he drew up the Queſtions to ‘which the Juſtices made Anſwer, and contrived with ‘the Perſons appealed, that the Lords and other the ‘King’s loyal Lieges, that cauſed the ſaid Commiſſion ‘and Statute to be made in the laſt Parliament, ſhould ‘be indicted in *London* and *Middleſex* for Treaſon; and ‘that they ſhould be arreſted, and traiterouſly and wick-‘edly murdered; and that he was aiding and adviſing ‘in the Treaſons aforeſaid, with the Appealed already ‘executed.’

Then *Thomas Uſk* was acccuſed, ‘for procuring him-‘ſelf to be made Under-Sheriff of *Middleſex*, to the ‘End to cauſe the ſaid Lords and loyal Lieges to be ‘arreſted and indicted, as had been ſaid before, and was ‘aiding and counſelling the Appealed in the Treaſons ‘aforeſaid.’

John Blake anſwered, ‘That he was retained of Coun-‘ſel for the King by his Command, and ſworn to keep ‘ſecret his Advice, and whatever he did it was by the ‘King’s Command, whom he ought to obey; and *Tho-‘mas Uſk* gave the ſame Anſwer. Whereupon the Lords Temporal took Deliberation untill the Mor-row, when the ſaid *John* and *Thomas* were again brought into Parliament; and the Lords pronounced them guilty of the Things whereof they were accuſed. And, ‘whereas they alledged for their Excuſe the King’s ‘Command, it made the Crime the greater, for that ‘they knew well that the Perſons appealed and con-‘demned had encroached to themſelves Royal Power; ‘and it was their Command and not the King’s.’ Then the Lords awarded, by Aſſent of the King, ‘That they ‘ſhould both be hang’d and drawn as Traitors and ‘open Enemies to the King and Kingdom, and their ‘Heirs diſherited for ever, and their Lands and Tene-‘ments, Goods and Chattels, forfeited to the King;’ ‘and they were executed the ſame Day.

On the 6th of *March*, Sir *Robert Belknappe*, Sir *Roger Fulthorp*, Sir *John Holt*, Sir *William Burgh*, Sir *John Cary*, and *John Lockton*, were brought into the Parlia-ment, and the Lords were ſatisfied, ‘That they were [435] ‘at the making of the ſaid Commiſſion and Statute in ‘the laſt Parliament, and Sir *John Cary* knew well ‘they were made to the Honour of God, and the good Govern-

'Government of the State of the King and the whole 'Kingdom,' and so on, [as in the other Processes] and they had Judgment again passed upon them as before. But at that very Time came in the Archbishop of *Canterbury*, and all the Bishops of both Provinces, and prayed the Lords Temporal, 'That the Execution, as 'to their Lives, might be respited, so that they might 'obtain their Lives of the King;' who thereupon ordered Execution should be stayed, and granted them their Lives: But as to the other Part of their Sentence, 'That was to remain in Force, and their Bodies to be 'in Prison during the King's Pleasure, untill, by Advice 'of the Lords, he should direct otherwise.' K. *Richard* II. But have their Lives granted them at the Request of the Bishops.

The same Day *Thomas* Bishop of *Chichester* [p], the King's Confessor, was impeached and accused by the Commons, 'That he was present at the Places and 'Times when the said Questions were put to the Jus-'tices, &c. and the Answers made, and excited them, 'by Threats, to answer as they did, and knew the false 'Purposes and Treasons designed by the Traitors ad-'judged, and aided and assisted them, and would not 'make Discovery to any of the Lords that caused the 'said Commission to be made last Parliament, where-'by Remedy might have been had for the Safety of the 'King and Kingdom.' To which the Bishop answered, 'That, of his own free Will, he had not excited them 'to do or say any Thing;' and further said, 'They 'were not excited or charged to say any Thing but 'what the Law was; and touching the Concealment 'of the Treason, he had made such Assurance as he 'could not discover.' And said further, 'That the 'Traitors were about the King, and had such Power 'over him before, that he had not so great Interest in 'the King, as to prevent those Mischiefs that now came 'upon him.' The Commons replied, 'He had upon 'the Matter confessed himself guilty, and prayed he 'might be attainted.' Upon this Answer of the Bishop, the Replication of the Commons, and all Circumstances of the Accusation, the Lords took Time [436] to give such Judgment as might be for the Honour of God, and Profit of the King and Kingdom.

On

[p] *Thomas Rushooke.* *Le Neve's Fasti Ecc. Ang.*

K. *Richard* II.

On the 12th *Simon Burley*[q], *John Beauchamp* of *Holt*, *John Saliſbury*, and *James Berners*, Knights, being brought into Parliament, they were, at the Inſtance of the Commons, impeached.

The Articles exhibited againſt them were ſixteen; the firſt Article in the Appeal, was the firſt Article in the former Impeachment. In the ſecond Article they were accuſed 'as Traitors and Enemies of the King-'dom, for that they knew of all the Treaſons in the 'Appeal mentioned, and that they were aiding, aſſiſting, 'counſelling, and aſſenting to all the Traitors attainted; 'and that *Simon Burley* and *John Beauchamp* were 'principal Actors in all the ſaid Treaſons.' In the eighth Article they were accuſed 'for conſpiring and 'deſigning, with the five Perſons appealed, to deſtroy 'and put to Death thoſe who were aſſenting to the 'making of the ſaid Commiſſion and Statute in the laſt 'Parliament:' To which they all pleaded Not Guilty. The Commons replied, 'They were guilty,' and the Lords took Time to examine and conſider the Impeachment. Upon this, and the Biſhop of *Chicheſter*'s Impeachment, the Lords Temporal adjourned till the 5th of *May*, when Sir *Simon Burley* being brought into the Parliament, was, by the Lords, after due and ſufficient Examination and Information, found guilty of Treaſon. Beſides the Articles before-mentioned, he was charged 'with adviſing the King to entertain in his Houſhold 'great Numbers of Aliens, *Bohemians* and others; and 'to give them large Gifts out of the Revenues and Pro-'fits of the Realm, whereby the King is greatly im-'poveriſhed, and the People otherwiſe oppreſſed.' For which he was ſentenced to be drawn and hanged, and his Head cut off, and all his Lands and Tenements, Goods and Chattels, to be forfeited to the King. But his Majeſty remitted his drawing, hanging, and quartering, becauſe he was a Knight of the Order of the Garter, ſo his Head was only ſevered from his Body the ſame Day upon *Tower-Hill*.

Sir *S. Burley*, Sir *J. Beauchamp*, and Sir *J. Berners*, beheaded.

[437]

John Saliſbury, *John Beauchamp*, and *James Berners*, Knights, had the ſame Judgment as Sir *Simon Burley*; but the two latter were beheaded.

At

[q] *Simon de Burley* is a Name contracted from *Beverley*; for it is wrote ſo ſometimes on the Record.

At the same Time was the Bishop of *Chichester* sent for into Parliament, where the Lords Temporal found him guilty of Treason, as it was laid in the Impeachment, and, by Assent of the King, they awarded his Heirs should be disherited, his Lands and Tenements, Goods and Chattels, forfeited to the King, and the Temporalities of his Bishoprick seized into the King's Hands; but as to his Person, the Lords would advise what to do for the Honour of God and Holy Church, and the Safety of the State of Prelacy, and of the Laws of the Land. K. *Richard* II.

Then it was resolved, 'That this Bishop, Sir *Robert* 'Belknappe, Sir *Roger Fulthorp*, Sir *John Holt*, Sir 'William Burgh, Sir *John Cary*, and *John Lockton*, 'should be all sent into *Ireland*, to several Castles and 'Places, there to remain during their Lives [r]. Sir *Robert Belknappe* and Sir *Roger Fulthorp* to be allowed 'forty Pounds a Year; Sir *John Holt* and *William Burgh*, 'forty Marks a Year; Sir *John Cary* and *John Lockton*, 'twenty Pounds a Year of the King's Gift, and each 'of them to have two Servants to wait on them: And 'that the Bishop of *Chichester* should have annually forty 'Marks for his Sustenance during his Life, if any of 'his Friends would give it him. These Pensions were somewhat enlarged, and Care taken how they should be paid, by an Act in Parliament of the 13th of this Reign [s]. The Bishop of *Chichester* and the Judges banished to *Ireland*.

Upon a Petition of the Commons, 'the said Ordinance 'and Commission made the last Year were confirmed, [438] 'and likewise all that was done in that Parliament; and 'also what the Duke of *Gloucester*, Earls of *Warwick*, 'Arundele, *Derby*, and Marshal, or any of them had 'done, or any of their Company, or their Adherents, 'or any of them, by their Assemblings, Ridings, or 'marching in Arms, Appeals, or Pursuits, as Things 'done to the Honour of God, the Safety of the King, 'Maintenance of his Crown, and Support of the whole 'King-

[r] The King's Writ to the Guardians of his Port at *Chester*, &c. to suffer the banished Judges to embark and see them settled in their respective Places of Banishment in *Ireland*, is also in the *Public Acts*; and they had Allowances made them, towards the Expences of their Passage, out of the Exchequer. *Rymer's Fœd.* Tom. VII. p. 591.

[s] The Earl of *Suffolk* died in Exile at *Paris*, bequeathing such Riches as he had there to *Robert* Duke of *Ireland*, who lived some Years longer in Banishment, and at last died in *Brabant*. *Speed's Chron.* 604.

K. *Richard* II. ‘ Kingdom; and alſo, in Purſuance of the ſame Petition, ‘ had a full Pardon for all Things that they had done or ‘ committed.

Upon a ſecond Petition of the Commons, ‘ all thoſe ‘ that had been of the Retinue, Company, Aid, Coun- ‘ ſel, Aſſent, or Adherence of them that were attainted ‘ or judged in this Parliament, for all Things they had ‘ done, were pardoned, except thoſe therein named.’

A third Petition was delivered by them in the ſame Parliament, ‘ That the Appeals, Purſuits, Accuſations, ‘ Proceſs, Judgments, and Executions made and given ‘ in this Parliament, ſhould be approved, affirmed, and ‘ eſtabliſhed, notwithſtanding the Lords Spiritual were ‘ abſent; and that, by Imagination, Interpretation, or ‘ any other Means, none of the ſame be reverſed, bro- ‘ ken, or annulled in any Manner; and whoſoever ‘ ſhould endeavour to break, annul, or reverſe any of ‘ them, ſhould be adjudged to have Execution as a ‘ Traitor, provided always that this Acceptance, Ap- ‘ probation, Affirmance, and Eſtabliſhment, touching ‘ Appeals, Purſuits, Accuſations, Proceſs, Judgments, ‘ and Executions be in Force in this Caſe only, and that ‘ they be not drawn into Example or Conſequence for ‘ the future. And divers Points were declared for Trea- ‘ ſon in that Parliament, which were not declared by ‘ Statute before; yet no Juſtice ſhould have Power to ‘ give Judgment in other Caſes of Treaſon, nor in other ‘ Manner than they had before the Beginning of this ‘ Parliament.’

Another Petition was, ‘ That none of the Traitors ‘ attainted by the Appeal or Accuſations of the Com- ‘ mons, who were then alive, ſhould ever be reſtored to ‘ the Law, by Pardon or any other Manner, ſaving the [439] ‘ Grace and Pardon that was made in this Parliament; ‘ and any one that ſhould endeavour to have ſuch a ‘ Thing done, ſhould be judged, and have Execution, ‘ as a Traitor.’

The Anſwer to all theſe Petitions was, *That the King, by the Aſſent of the Lords and Commons, granted their Petitions in all Points, and willed his Grant ſhould be firm and ſtable, according to the Contents of the Petitions, without Bleniſh, for ever.*

Then

Then the Commons prayed the King, 'That, for 'the securing of Peace and Quiet for the future in all 'Parts of the Nation, he would please to renew his 'Coronation Oath, and that the Prelates might renew 'their Fealty, and the Lords Temporal their Homage, 'notwithstanding they had done it before; which was 'also assented to.' K. Richard II.

The Preparation and Introduction to this Great Ceremony was with the Mass of the Holy Ghost, sung in the Church of *Westminster* on the 3d of *June*, being the 121st Day of the Parliament. After Mass was ended, and a Sermon preached by the Archbishop of *Canterbury*, the King, of his free Will, renewed his Coronation Oath, with great Solemnity, in the said Church; at which Time the Prelates swore Fealty to him, and the Temporal Lords did him Homage; after which the Prelates, Lords, and Commons openly took a new Oath, as followeth: The King renews his Coronation Oath, and ratifies all the Proceedings of this Parliament.

YOU shall swear that you will not assent, nor suffer, as much as in you lies, that any Judgment, Statute, or Ordinance, made in this present Parliament, shall in any Manner be annulled, reversed, or appealed, in any Time to come; and further, that you will support the good Laws and Usages of the Kingdom, and, to your Power, firmly keep, and cause to be kept, the good Peace, Quiet, and Tranquillity of the Kingdom, without disturbing it in any Manner. So God you help, and the Holy Saints. Both Houses swear to support the same without Reversal,

Then the Archbishop of *Canterbury* and Prelates excommunicated all such as should break the Peace and Quiet of the Realm, and do contrary to this Oath, which was not only taken by every Member of both Houses, but also imposed upon all Gentlemen and dignified Persons of the Clergy in all Counties in *England*; and upon all the Mayors, Bailiffs, and Aldermen of Cities, Boroughs, and Towns, by the King's Writ directed to the Sheriff; and one special Commissioner to administer it. [440]

All the principal Persons in the Kingdom required to take the new Oath, and the Breakers thereof excommunicated.

Thus ended this famous Parliament, called, by some Historians, *The Parliament that wrought Wonders*, by others, *The mercileſs Parliament*, after a longer Session than any we have yet met with, having sat, with a short

K. *Richard* II. Prorogation, near five Months. The three Eſtates of the Realm parted ſeemingly in very good Humour; the Lords and Commons gave their moſt humble Thanks to the King for his great Juſtice done; and his Majeſty, by the Chancellor, returned the Compliment for their liberal Grants: After which the Knights and Burgeſſes were ordered to ſue out Writs for their Expences, which would, in all, amount to a very conſiderable Sum in thoſe Days.

The King, notwithſtanding the Severity uſed againſt his Miniſters in the laſt Parliament, thought fit to call another the very ſame Year, on the Day after the Nativity of the Bleſſed Virgin, or *September* 9, to meet at *Cambridge*. So we are told by old Hiſtorians; but as there is no Entry of ſuch on the Rolls, and only the Summons to the Peers given in the Abridgement of them, we much doubt whether this was a Parliament or only a Great Council of Peers called together, as had been uſed before on ſome Occaſions. But, however this may be, *Henry Knyghton* calls it a Parliament, and ſays there was granted to the King in it half a Tenth from the Clergy, and half a Fifteenth from the Laity, in order to carry on the War againſt *Scotland* for the next Year.

Anno Regni 12. 1389.

At *Cambridge*.

Mr. *Collier* writes, that a Fifteenth was given by the Laity this Parliament, on Condition the Clergy would grant a Tenth: But that the Archbiſhop and his Suffragans, looking upon this Precedent as a new Incumbrance upon their Property, refuſed to be tied to it; upon which the Conditional Clauſe was thrown out of the Bill [e].

It is ſaid alſo that ſeveral new Statutes were made for the common Benefit of the People, and others renewed which had been enacted in the Time of *Edward* III. the preſent King's Grandfather; particularly the Statutes of Labourers and Day-Servants; of Bailiffs and all Sheriffs' Officers; of Proviſors againſt going out of the Land to the Pope, to procure the Grant of any Benefices in *England* without the King's Leave, on Penalty of being put out of his Protection; againſt Beggars; and againſt riding armed, and giving of Liveries to great Retinues; and, laſtly, about regulating Apparel ſuitable to every Man's diſtinct Rank and Quality. This laſt Affair,

[441]

[e] *Collier*'s *Eccleſiaſtical Hiſtory*, Vol. I. p. 591.

Affair, *Knyghton* says, was absolutely necessary at that Time; for there was so much Pride amongst the common People in vying with one another in Dress and Ornaments, that it was scarce possible to distinguish the Poor from the Rich, the Servant from the Master, or a Priest from another Man. The whole Statute itself, relating to these Things, and in its original Language, may be found in that Author [f]. K. *Richard* II.

Affairs went on very quietly for some Time; but the King, coming of Age, took Occasion to declare it in Council [g], and told them, *That since he was now capable of managing his Inheritance himself, it was not fit that he should be in a worse Condition than any Subject in his Kingdom, or any common Heir to an Estate. It is well known*, added he, *that for many Years I have lived under your Tutelage and Governance, and for the Pains you have taken therein we thank you; but now, having attained to our legal Age, we are resolved to be no longer in Ward; but to take the Government of the Realm into our own Hands, to appoint such Officers and Ministers as we think fit, and to remove others at our Pleasure.* Accordingly, to give them a Taste of his Power and Authority, he removed the Chancellor and the other Great Officers from their Places: He likewise dismissed his Uncle *Gloucester* and the Earl of *Warwick* from the Council Board, displaced the Earl of *Arundele* from being Admiral, tho' entrusted with that Charge by Parliament, and gave it to a new Favourite, the Earl of *Huntingdon*. In all this, says one Author, the King, tho' he was at Age, yet shewed himself a Minor in the Art of Governing, by making so bad a Choice of new Ministers and Favourites, as in a short Time brought the Nation into great Confusion [h]. The King declares himself of full Age.

This Affair happened in *May*, 1389, and the same Year Writs were issued out, dated *December* 6, for the calling a Parliament to meet at *Westminster* about the Middle of *January* following. *William* of *Wickham*, Bishop of *Winchester*, the new Lord-Chancellor, by the King's Command, opened the Cause of the Summons to the Estates, 'Declaring the King to be of full Age, and 'that he intended to govern his People in Peace and Quiet; [442] Anno Regni 13, 1390. At *Westminster*.

[f] *Knyghton*, col. 2729, &c.
[g] *Ibid.* col. 2735. Sir *John Hayward*, p. 29.
[h] *Tyrrel*, p. 938.

K. *Richard* II. 'Quiet; to do Juſtice and Right to all Men; and that 'both Clergy and Laity ſhould enjoy all their Liberties.' He further told them, 'That the Kingdom being enviroined with Enemies in *France*, *Spain*, and *Guienne* on 'one Side, and *Scotland* and *Ireland* of the other, it was 'now their Buſineſs to conſult which Way Peace was 'to be had, or a proper Defence made againſt them: 'Likewiſe how an Aid was to be had to ſuſtain the 'Charges thereof, without which nothing could be done.'

January the 20th, being the fourth Day of this Parliament, the Biſhop of *Wincheſter* delivered up the Seals of his Office to the King, before both Houſes; as did alſo the Biſhop of *St. David's*, being Treaſurer, the Keys of the Exchequer; and prayed that they might be diſcharged. After which Reſignation it was openly declared, in full Parliament, 'That if any Perſon could 'juſtly complain of any illegal Action, or any Thing 'done amiſs by them in their ſeveral Offices, they might 'freely do it.' But when both the Lords and Commons anſwer'd, 'That they knew nothing amiſs againſt them, 'and that they had behaved themſelves well in their re'ſpective Offices,' the King thereupon delivered back the Seal and the Keys of the Exchequer, to the aforeſaid Biſhops, and alſo received all thoſe to be his Counſellors that were ſo before, together with his Uncles of *Lancaſter* and *Glouceſter*. However, he thought proper to make a Proteſtation, *That, for any Thing then done, he would keep or remove any of thoſe Counſellors at his Pleaſure.*

The Proceedings of this Parliament, after what is paſt, turn wholly on trying Cauſes about private Affairs, untill *Wedneſday* the 2d Day of *March*, when the Lords and Commons granted the King, for the Defence of the Realm, an Aid, which conſiſted in the following Subſidies, to continue for one Year; that is to ſay, on every Sack of Wooll exported out of the Realm, beſide the antient Cuſtom of half a Mark, 33 *s.* 4 *d.* of Denizens, and 36 *s.* 8 *d.* of Aliens; of every Laſt of Leather exported, above the old Duty of one Mark, five Marks of Natives, and five Marks and a Half of Strangers; and of every 240 Wooll-fells, *&c.* above what was paid of half a Mark, 33 *s.* 4 *d.* of Denizens, and 36 *s.* 8 *d.* of Aliens; of every Ton of Wine exported or imported, 3 *s.* and of all other Merchandizes, except what is mention'd above,

A Subſidy.

above, and excepting Victuals, Cloaths, and Harneſs carrying to the Garriſons of *Berwick*, *Roxburgh*, and *Jedburgh*, 6 *d. per* Pound. That a Treaſurer ſhould be appointed to receive and keep the ſaid Subſidies, and that they ſhall not be expended, but on Account of War, and in Defence of the Kingdom, as he would anſwer it in the next Parliament. K. *Richard* II.

The next Day the King created *John* Duke of *Lancaſter* Duke of *Aquitain* in *Normandy*, with the Conſent of the Prelates, Lords Temporal, and Commons; to hold the ſaid Dukedom of the King, ſaving only to his Majeſty, as King of *France*, the direct Dominion, Superiority, and Reſſort of the ſaid Duchy. The Ceremony was performed in full Parliament, by inveſting him with a Cap, a Coronet, and a Ducal Rod. The Duke paid Homage to the King, and humbly thanked him for the great Honour he did him; but at the ſame Time declared, That though he could not maintain the State of the Dukedom, in Time of War, without the Aid of the King and Realm, however he would do what he could to the utmoſt of his Power. Whereupon the King told the Duke, *That the Charges ſhould be borne as he and his Council could agree.* To which the Commons willingly aſſented [i]. [443]

At this Time alſo, by Conſent of Parliament, the King created *Edward*, eldeſt Son to the Duke of *York*, Earl of *Rutland*, and gave him, towards the Support of this Dignity, and during his Father's Life, 800 Marks yearly, iſſuing out of the Caſtle, Town, and Demeſnes of *Okeham*, in that County, with the Office of Sheriff.

The two Archbiſhops of *Canterbury* and *York*, for themſelves and the whole Clergy of their Provinces, made Proteſtation in open Parliament, 'That they neither intended or would aſſent to any Statute or Law 'to be made againſt the Pope's Authority;' which Proteſtation, at their Requeſt, was entered upon the Roll [k]. The Biſhops proteſt againſt any Law for reſtraining the Pope's Power.

[i] The Style of the Duke of *Lancaſter*, after this, was *John, the Son of the King of* England, *Duke of* Guienne *or* Aquitain, *and* Lancaſter, *Earl of* Derby, Lincoln, *and* Leiceſter, *and Steward of* England. *Abridg.* 343.

[k] It appears by the King's Writ, directed to the Archbiſhop of *Canterbury*, preſerved in the *Public Acts* under this Title, *Contra Novitates et Impoſitiones Papales*, that an Inhibition was iſſued out againſt thoſe Exactions and the Penalty expreſſed, as by Act of Parliament, that the Collectors of them ſhould be adjudged, and ſuffer Death, as Traitors. This Writ is dated *Oct.* 20, *An. Reg.* 13, 1389. *Fœd. Ang.* Tom. VII. p. 644.

K. *Richard* II.

[444]

Some Hiſtorians write, that an Act was paſſed in this Parliament, which, amongſt other Things, prohibited the King from extending his Pardon to any Perſons convicted of Murder; and a Penalty awarded againſt any that ſhould ſollicit the King thereto, *viz.* That if it was a Duke or Archbiſhop he ſhould forfeit to the King 1000 *l.* if an Earl, or Biſhop, 1000 Marks, *&c.* But the greateſt Part of this is a Miſtake, and the Matter was thus, as appears by the Record: The Commons having obſerved that the King's Pardons were an Encouragement to Murders, Treaſons, and Rapes, petitioned the King that he would oblige himſelf not to grant any Pardons for thoſe Crimes. The King refuſed, by reaſon he would not deprive his Crown of a Branch of Prerogative which his Anceſtors had ever enjoyed; but yet he agreed to paſs an Act, in Effect the ſame, *That in all Pardons which he granted the Crime ſhould be ſpecified, the Perſon's Name, at whoſe Suit it was granted, endorſed, and the Penalty on thoſe who procured ſuch a Pardon as above related.* So, though the King had ſtill his Power to pardon, yet the Sollicitors for them were ſo diſcouraged, that their Number was much reduced: for, as an Hiſtorian here remarks, Kings ſeldom grant Pardons but with importunate Aſking [l].

The Statute of Proviſors revived.

The Court of *Rome* had alſo ſome Shackles put upon its Power, by reviving the Statute of Proviſors, made 25 *Edward* III and a Penalty laid on him that ſhould accept a Benefice contrary to that Statute: Likewiſe a Forfeiture awarded againſt any who ſhould bring a Summons or Excommunication againſt any Perſon on the Proviſors, and on a Prelate for executing of it [m]. This Parliament ended the ſame Day the Subſidy was granted, *viz.* on the 2d Day of *March*, having ſat near ſix Weeks.

[445]

Things continuing ſtill very peaceable at home, it was the King's Concern to make it ſo abroad: for after ſeveral Preparations for an Invaſion of this Kingdom, which

[l] *Sem. Daniel* in *Kennet*. p. 266. *Statutes at large*, 13 *Richard* II. Rot. Parl. 13 *Richard* II. N°. 44.

[m] *Statutes at large*, 13 *Richard* II.

By another, (cap. 3) there is a Penalty awarded againſt him that bringeth a Summons or Excommunication againſt any Perſon upon the Statute of Proviſors, and of a Prelate executing it. *Statutes at large*, 13 *Rich.* II. *Collier's Eccleſiaſtical Hiſtory*, Vol. I. p. 592.

which were all, by one Accident or another, rendered abortive, the *French* entirely desisted from any Thoughts of that Enterprize, and seemed inclinable to treat of Peace. To that End the King summoned a Parliament to meet at *Westminster*, *November* 12, in the Year 1390. K. *Richard* II.

The Bishop of *Winchester*, Lord-Chancellor, in a long and eloquent Oration, says our Authority [n], on the King's good Government, told them, 'That the chief 'Cause of the Summons was concerning a Truce made 'with *France*, and towards *Candlemas* the King would 'send Commissioners over to treat of a final Peace.' He said, 'That the *Scots* had been moved to come into 'this Truce, which they refused; so there was nothing 'but War to be expected from thence; the Charges 'whereof, with that of *Ireland*, keeping the King's 'Fortresses abroad, and the Seas at home, were so great, 'that the King could by no Means without their Aid 'sustain it: Wherefore he desired them to consult about 'these Particulars, as well as the making Ordinaces for 'good Laws, *&c.*' Anno Regni 14. 1391. At *Westminster*.

We are not told what Reception this News met with from the Lords and Commons, but we may suppose that, from the long Continuance of this bloody and expensive War with *France*, any Account of a Peace would be very acceptable to them. To that End, and to have the King ready for War also, if there should be Occasion, on the third of *December* the Lords and Commons granted the largest Aid, and to continue for the longest Time, of any that had been given before: For they not only augmented the Subsidies on Woolls, *&c.* with the Tonnage and Poundage, but also ordained, That they should continue for three Years, from the Feast of St. *Andrew* next coming, on Condition the Staple at *Calais* should be again removed from thence, and fixed in some Port of this Kingdom, to remain perpetually in that Station [o]. A large Subsidy.

In

n Rot. Parl. 14 *Rich.* II. N°. 12.

o The Tax now laid was, on every Sack of Wooll, 44 *s.* 4 *d.* for Denizens; for Aliens, 46 *s* 8 *d.* on every Last of Leather, 20 Marks for Denizens, and seven Marks for Aliens; on every 240 Wooll-fells, *&c.* 43 *s.* 4 *d.* for Denizens, and 46 *s.* 7 *d.* for Aliens; Wine the same as before; but Merchandize, 12 *d. per* Pound.

K. *Richard* II.

[446]

In this Parliament, says *Knyghton*, a profane Statute was made againſt the Church and Prieſts thereof [p], *viz.* 'That no Eccleſiaſtical Perſon ſhould be capable to take 'and poſſeſs any Bequeſt of Manors, Glebe, Houſes, 'Lands, or any other Rents or Poſſeſſions, without a 'ſpecial Licence from the King, and the Capital Lords 'thereof.' And this Statute, adds he, extended as well to Pariſh-Churches, Chapels, and Chantries, as to Abbies, Priories, and all Sorts of Monaſteries; likewiſe to Citizens, Burgeſſes, Townſmen, and Villagers, who had any ſuch Rents in their Poſſeſſion for the Uſes aforeſaid. For it was the Cuſtom, ſays our Authority, in thoſe Days, that when any Perſon wanted to beſtow ſomething upon the Church, in order to ſave the Trouble and Expence of a Licence, and at the ſame Time to avoid the Penalty of the *Mortmain* Act, they uſed to leave it to certain Perſons, whom they could truſt, under whoſe Names the Church enjoyed the full Benefit of the Bequeſt: But, by this Statute, it was enacted, 'That 'if any Perſon or Perſons whatſoever, Prieſt or Layman, 'held any ſuch Manors, Rents, Lands, &c. for ſuch 'Uſes, and did not take a Licence for them from the 'King and the Capital Lords of ſuch Poſſeſſions, ac-'cording to the Statute of *Mortmain*, before *Michaelmas* 'next coming, that then all ſuch Lands, &c. ſhould be 'abſolutely forfeited to the King and the ſaid Capital 'Lords; and they might enter upon, ſeize, and poſſeſs 'the ſame for ever.' Thus (by this wicked Statute, as the Canon calls it) there was an effectual Stop put to this extraordinary Piece of ſanctified Sophiſtry.

Statute for reſtraining the Riches of the Clergy.

[447]

Another Eccleſiaſtical Affair came upon the Tapis this Parliament [q]. The Court of *Rome* found itſelf much reſtrained by the ſeveral Statutes formerly made againſt Proviſors; by which, with the *Premunires* annexed, the Clergy, if they would have been faithful to themſelves, might have intirely prevented thoſe Papal Encroachments. The Schiſm ſtill continued in the *Roman* Church, and

[p] *In iſto Parliamento editum eſt profanum Statutum contra Eccleſiam et Eccleſiæ Perſonas*, &c. *Knyghton*, col 2738.

This Statute is not printed amongſt the *Statutes at large*, nor is it on the *Rolls*. Poſſibly it might be left out by the Management of the Prieſthood, of whoſe Influence, in this Reſpect, there is a moſt flagrant Inſtance in the 6th Year of this King's Reign. See before p. 372, 397.

[q] *T. Walſingham, ſub hoc Anno.*

and the *French* King ſtill in the Intereſt of *Benedict* XIII. K. *Richard* II. called the Anti-Pope, againſt *Boniface* IX. who had been elected Pope at *Rome*, inſtead of *Urban* lately deceaſed. The new Pontiff, to whom the King and *Engliſh* Nation adhered, ſent a Nuncio to King *Richard*, with great Compliments in Commendation of his Devotion, and that of his Predeceſſors, towards Holy Church; but, withall, complaining of thoſe late Invaſions, as he was pleaſed to call them, of Eccleſiaſtical Liberties; urging him not only to repeal thoſe Laws, but by no Means to make Peace with the *French* King, unleſs he would diſown and no longer aſſiſt his Antagoniſt.

The King received the Nuncio very civilly, but for Anſwer to his Meſſage put him off to his Parliament; and tho' his Majeſty and the Duke of *Lancaſter* ſeemed willing to gratify the Pope, yet the Commons abſolutely refuſed to conſent that any Perſon ſhould go to *Rome* to acquire Benefices in *England*: But, that they might not ſeem to ſlight his Holineſs's Requeſt too much, they yielded that it might be connived at, though not without the King's Licence, and only to the next Parliament. That is, as one Hiſtorian writes, The King, by his Proclamation, had a Power given him to diſpenſe with the Execution of the Statute till the next Parliament: By which Conceſſion, adds he, though the Pope gained not ſo much as he deſired, yet he had his Ends; it being not very material whether the Lion be dead or no, if his Claws be cut off and his Teeth knocked out; for it is all one for a Law not to be at all, as not to be executed[r].

An Act was alſo paſſed this Seſſion, which has ſince done great Service to the Clergy, and was that of Appropriations[s]. It ſeems that, before this Parliament, it [448] was lawful to appropriate the whole Fruits and Profits of any Benefice to a Religious Houſe, upon Condition that the Abbot or Prior took Care to have the Cure tolerably ſupplied by his Monks or Friars of the Houſe. This bred many Inconveniences; as that Hoſpitality was neglected, the Churches and Rectories dilapidated, and Miniſters very often wanting; of which Grievances the Commons complained, and procured this Act, 'That 'in

[r] *Sam. Daniel*, by Biſhop *Kennet*, p. 268.
[s] *Statutes at large*, *Anno* 14 Rich. II. cap. 6.

K. *Richard* II.

Another on the appropriating Benefices to Religious Houſes.

'in every Licence to be made hereafter in Chancery, for 'the Appropriation of any Church, the Biſhop of the 'Dioceſe ſhould have Power to reſerve a convenient 'Sum of Money out of the Fruits and Profits of it, to 'ſuſtain the poor Pariſhioners of the ſaid Church, and 'to endow a perpetual Vicar ſufficiently to ſupply the 'Cure of Souls.' This Act, ſays the Hiſtorian before quoted, or rather the Prelate his Annotator, was the Original of moſt of our Vicarages; which, tho' they are a contemptible Maintenance for the Clergy, eſpecially ſince the Obventions of the Altar are removed, yet it has proved a very great Support to the Church; the pooreſt Livings often producing the moſt painful and laborious Miniſters. So that the Nation, adds he, hath great Reaſon to applaud this Act, becauſe our Governors, ever ſince, have been ſo negligent in providing a better; for, if this was not in Being, it is to be feared that the Church would have had no Proviſion at all in Abundance of Places where Vicarages are eſtabliſhed [t].

The Dukes of *York* and *Glouceſter* deſired the King's Bounty of 1000 *l.* a Year Lands to each of them, according to his Promiſe, to be granted in Tail ſpecial. The King hereupon ordered his Juſtices to draw up ſuch an Aſſignment, and commanded that his Uncles ſhould, in the mean Time, be duly paid their Penſions.

It appears upon the Roll to be remembered, That the Prelates, Lords Temporal, and Commons, prayed the King in full Parliament, 'That the Royalty and 'Prerogative of him and his Crown might always be ſafe [449] 'and preſerved inviolable; and that if any Thing had 'been done or attempted to the contrary it might be 'redreſſed and amended. And, further, that he be as 'free in his Time as any of his Noble Progenitors had 'ever been in theirs.' Which Prayer, ſays our Authority, ſeeming ſo juſt and reaſonable [u], the King granted in all its Points. After theſe and all other Matters before them were diſpatched, the Lords and Commons, in a Body, made their humble Acknowledgments to the King for his good Government, and for the great Fer-

[t] *Kennet* in *Sam. Daniel, Anno* 14 Rich. II. cap. 6.

[u] *Quod Priere ſemble a reſpre Seigneur le Roy leaeſte et raiſonable*, &c. Rot. Parl. 14 *Rich.* II. N°. 14, 38.

vour and Zeal which he ſhewed for his People; and he returned his Thanks to them for the liberal Grants which they had made him; and ſo ended this Parliament on the third Day of *December*, in the 14th Year of this Reign. K. *Richard* II.

One might imagine, from the Concluſion of this and the next Parliament, that there was now ſo ſtrict an Union between the King and his Subjects, that the Knot was indiſſoluble: But a very few Years more ſhewed, too plainly, the direct contrary, by an Example which all future Kings ought to have ever before their Eyes, as an Inſtance that popular Affection is not to be kept up without repeated Acts of good Conduct to deſerve it. But the Harmony which then ſubſiſted between this King and his Parliaments is attributed, and perhaps very juſtly, by a late Hiſtorian, to the good Counſel and Endeavours of *William* of *Wickham*, Biſhop of *Winchester*, his Chancellor. The Biographer of this Prelate [b], whoſe Work may be called a very judicious, complete, and learned Performance, tells us that he did reſtore public Tranquillity; and that he had the Satisfaction of leaving it ſo when he quitted his Office of Chancellor, which was in *September*, 1391. In his Place was put, by the King, *Thomas Arundele*, Archbiſhop of *York*; a Man very different from the other, and who was ſtrongly attached to the Party which bred the late Feuds in Parliament, in the 10th and 11th of this Reign; and who carried on the ſame Spirit ſo far as to be the principal Mover in the ſucceeding Revolution.

By an Accident which happened next Year, the Citizens of *London* fell under the King's heavy Diſpleaſure; on which he ſeized upon the City's Liberties, diſplaced the Mayor, and ſent him a cloſe Priſoner to *Windſor* Caſtle. The reſt of his Brethren, with the Sheriffs, were alſo clapt up in different Priſons; and though, ſome Time after, they were diſcharged, and the King made a ſplendid Entry into the City, was received with great Magnificence, and had very rich Gifts preſented to him, yet he exacted a Fine of 10,000 *l.* from the Citizens; which ſevere Uſage loſt him the Affections of that opulent Body of People, and may be juſtly look'd upon as a Prelude to the approaching Revolution. The King ſeizes the Liberties of the City of *London*.

In

[b] *Robert Lowth*, D. D. Prebendary of *Durham*. *Octavo*, *Lond.* 1758.

K. *Richard* II.

Anno Regni 15. 1392.

At *Weſtminſter*.

[450]

In the fifteenth Year of this King a Parliament was called to meet at *Weſtminſter* on the Day after *All-Souls*, or *November* 3: At which Meeting the Archbiſhop of *York*, *Thomas Arundele*, Primate and Chancellor of *England*, declared the Cauſe to be, beſides the uſual Ceremony of Church, Laws, and Peace, for 'to conſider 'how to raiſe the Price of Woolls, then too much de-'baſed; and how the Wars might be maintained after 'the Expiration of the Truce. Laſtly, in regard to 'the Statute of Proviſors, that the Holy Father might 'no longer be deprived of what belonged to him; con-'cluding with theſe Words, *Reddite quæ ſunt* Cæſaris 'Cæſari, *et quæ ſunt* Dei Deo.'

To this laſt Affair the Commons, for the great Confidence they repoſed in the King, granted that he, by the Advice of the Lords of his Counſel, might make any Alteration touching the Statute of Proviſors, as to him ſeemed good, till the Meeting of the next Parliament; but ſo as that Statute might not be repealed in any Article, nor none diſturbed in his lawful Poſſeſſion; with this Proteſt, 'That as their Aſſent to this was indeed a 'Novelty, they prayed that it might be no Example.'

A Subſidy.

The Lords and Commons granted to the King half a Tenth and half a Fifteenth, with one other whole Tenth, as it is called, and one Fifteenth, with many fine Compliments made on his good Senſe and Government, conditionally, that if the King went not perſonally into *France* or *Scotland* againſt his Enemies, or that Peace was made, then the ſaid Reſidue of the ſaid Subſidies ſhould remain to be employed upon the ſole Defence of the Realm.

The Commons alſo, in open Parliament, declared, 'That if any Truce or Treaty of Peace was undertaken 'with the King's Enemies, it was proper the Duke of '*Aquitain*, as the moſt honourable, ſhould go to the 'ſame Treaty.' The King anſwered, *That he deſired the ſame, if the Duke pleaſed*; which he conſented to very readily.

The 2d of *December*, which was the laſt Day of the Sitting of this Parliament, the Lords and Commons deſired the King, in the ſame Manner as in the two laſt Parliaments, that he would as largely enjoy his Prero-

gative

gative as any of his Predeceſſors ever did, notwithſtanding any Statute to the contrary; and particularly that made at *Glouceſter* in the Time of King *Edward* II. which they now again repealed. K. *Richard* II.

At the Beginning of the Year 1393 [c] the King held a High Court of Parliament at *Wincheſter*, when the Archbiſhop of *York*, by the King's Appointment, open'd the Seſſion in a very ſhort Speech, by declaring that it was called for two great Cauſes: The firſt was, 'That 'whether there was War or Peace, or any new League 'made between the King and his Adverſaries, yet he 'was in great Neceſſity for Money to diſcharge his 'Debts, the raiſing of which was to be their principal 'Care. The next was to provide ſome Remedy touch-'ing the Statute of Proviſors, for avoiding any Diſputes 'between the Pope, the King, and his Realm.' Anno Regni 16. 1393. At *Wincheſter*. [451]

To this Affair, the Lords and Commons granted the King the ſame diſpencing Power as the laſt Parliament had done, untill the next; and to the firſt, they gave his Majeſty the ſame Subſidy on Wooll, *&c.* as was granted in the eleventh Year of his Reign, for three Years; together with half a Tenth and half a Fifteenth. A Subſidy.

There are very few public Acts done this Seſſion; one of which, however, is very remarkable; the Biſhops, Lords, and Commons, in full Parliament, aſſented that the King, his Heirs and Succeſſors Kings of *England*, might lawfully make their Laſt Will and Teſtament, and that Execution ſhould be done of the ſame [d].

On the laſt Day of their ſitting, *February* 10, *William Courtney*, Archbiſhop of *Canterbury* and Primate of all *England*, made a long Proteſtation, in open Parliament, 'That the Pope ought not to excommunicate 'any Biſhop, or intermeddle as to Preſentations to any 'Eccleſiaſtical Dignity recovered in the King's Courts. 'That the ſaid Holy Father ought not to make Tranſ-'lations to any Biſhoprick within the Realm, with-'out the King's Leave; for that this Practice tended 'to the Deſtruction of the Realm and Crown of *Eng-land*; The Archbiſhop's Proteſtation againſt the Papal Power.

[c] Octaves of St. *Hilary*.

[d] Rot. Parl. 16 *Rich.* II. N°. 10. Purſuant to which we find that this King made his Will a ſmall Time before his laſt Expedition into *Ireland*, the Preamble and whole Form of which Teſtament is very remarkable. See *Rymer*'s *Fœd.* Tom. VIII. p. 75.

K. *Richard* II. ‘ *land*, which had always been free, and subject to no ‘ Earthly Power, but to God and the King, as to Re- ‘ galities, and to no other.’ Which Proteſtation the Archbiſhop prayed might be entered on the Roll [b].

[452]

Anno Regni 17. 1394.

At *Weſtminſter*.

About the ſame Time, in the Year following, another Parliament was called to meet at *Weſtminſter* [c], which was opened by a Speech from the Archbiſhop of *York*, Lord-Chancellor; who declared, in the Preſence of all the Eſtates, the Cauſe of the Summons to be, ‘ *Firſt*, That all Biſhops, Lords and Corporations ſhould ‘ enjoy their Liberties; and that there ſhould be a due ‘ Obſervation of the King's Peace. *Next*, How the ‘ Wars, which, by Aſſent of Parliament, were begun, ‘ ſhould be ſuſtained as to the Expence of that, and the ‘ Preſervation of *Guienne*, *Calais*, *Ireland*, and *Scotland*.’

Sir JOHN BUSSY, Speaker.

The third Day of their Meeting the Commons preſented to the King, in full Parliament, Sir *John Buſſy*, as their Speaker; who, making the uſual Proteſtation, was allowed. It is now a long Time ſince we have met with the Name of a Speaker of the Houſe of Commons before this Man; occaſioned, no doubt, by the Negligence of the Clerks, in not entering them on the Rolls; for that there muſt have been a Speaker appointed each Parliament is certain, though we have not had the good Fortune to hand down their Names to Poſterity.

A Charge againſt the Duke of *Lancaſter*.

Richard Earl of *Arundele* exhibited a Complaint againſt the Earl of *Lancaſter*, which he ſaid concerned the King's Honour. *Firſt*, ‘ That he thought it not ‘ honourable for the King to ſuffer the ſaid Duke to ‘ walk Arm in Arm with him. *Next*, It did not be- ‘ come the Duke's Servants to wear the ſame Livery ‘ with the King's. *Thirdly*, That the ſaid Duke, both ‘ in Council and Parliament, was uſed to ſpeak ſuch high

[b] Rot. *ut ſupra*, N°. 20. This was a very courageous Act in the Archbiſhop, when the Pope had juſt wrote a Lette. to the Duke of *Lancaſter*, calling the Act of Proviſors *Execrabile Statutum, Factum & turpe Facinus.* *Sam. Daniel* in *Kennet*, 270.

See the whole Proteſtation in *Collier*'s *Hiſt.* Vol. I. p. 594. That Author writes, that the Archbiſhop was probably ſuſpected of ſecretly abetting the Pope's Encroachments upon the Church and State, which occaſioned this public Declaration.

[c] On the Quindene of St. *Hilary*, or *Jan.* 29. Rot. Parl.

No Mention made of any Parliament in the Year 1394, or 17th of *Richard* II. in the *Statutes at large*.

'high and sharp Words [d], that he the said Earl, and K. *Richard* II.
'others of his Quality, durst not utter their Minds for
'him. *Fourthly*, It was not to the King's Profit to
'give to the said Duke the Duchy of *Guienne*. And,
'*lastly*, He wanted to know what was become of all
'that Mass of Money given to the Duke for his Voyage
'into *Spain*, and for the last Treaty of Peace.'

Unto which Accusation the King himself answered every Article of the Charge, and affirmed, 'That what 'the Duke of *Lancaster* had done was all right and 'good.' And his Majesty, with the Assent of the [453] Lords, awarded, that the said Earl should ask the Duke's Pardon, in full Parliament, and in the very Words following, which he spoke accordingly;

Sire, *Sith that it semeth to the Kynge and to the other Lords, and eke that yhe heve ben so michel greved and displeased be my Words, hit forethinketh me and biseche you of youre good Lordship to remit me your Mantelent* [e].

This is a rare Specimen of the *English* Language at that Time, and shews how much it wanted such a Genius as *Geffry Chaucer* to refine it.

In this Parliament the King charged the Commons to give their Advice as to the War; and they, in a Schedule put into his Hands by Sir *John Bussy*, their Speaker, answered, 'That the Articles of Peace be-'tween the King and his Adversary of *France*, had been 'read and in part understood by them; but that, con-'sidering the Points therein contained were too high 'for them to meddle with, and upon which they durst 'not treat nor give any Advice, such as Homage-leige, 'Sovereignty and Resort to the Crown of *France* [f], they 'were willing to give their Consents, for the Benefit of 'Peace, to whatsoever the Lords, Knights of Honour, 'and the Judges had before agreed upon; so as the 'Homage should be done for, and only have Relation 'to, the Duchy of *Guienne*, and in no wise affect the 'Crown or Kingdom of *England*.'

What the Articles of this Peace were, does not appear upon the Parliament Roll. *Knyghton* writes, that this was only a Truce between the two Kingdoms for four

[d] *Si grosse et aspres Parolles.* Record.

[e] This old *English* is most wretchedly mangled and mis-spelled in the *Abridgement*.

[f] *Homage-lige, Soveraineté, et Ressort, &c.* Record.

K. *Richard* II. four Years and four Months, as well by Sea as Land [g].

The King designing to go over in Person, in order to reduce *Ireland*, demanded an Aid of this Parliament; and the Commons granted him a Subsidy upon Woolf, Wooll-fells, *&c.* upon every Ton of Wine 3*s.* and upon every Pound of Merchandize, 12*d.* for three Years, as in the 11th Year of his Reign; so as this Money should only be employed for the Defence of the Realm: And so that if the King did not go abroad into *Ireland* or *Scotland*, it might be reduced to half the Sum in each Article. The Clergy granted also a full Tenth, if the King went over, otherwise only half a Tenth.

A Subsidy.

[454]

In this Parliament also the Judges that were banished into *Ireland* by that of the 11th of this King, were recalled, by Consent of King, Lords, and Commons, and the Act for their Banishment repealed.

Very soon after this last Parliament was dissolved, which was on the 7th of *March*, the King did go over in Person into *Ireland*, accompanied with his Uncle the Duke of *Glocester*, and an Army of 30,000 Men. The *Irish* Rebels were by no Means fit to resist such Force; but, after some Efforts to harrass the King's Army by Delays and Counter-Marches, four of their Kings were obliged to come in and submit to *Richard*'s Mercy, who made Hostages of them for the good Behaviour of the rest. After which he held a Parliament at *Dublin*, the better to settle the Affairs of that Kingdom; and this was the greatest and most fortunate Expedition that was made in this King's Time. A late Historian says that, in several Encounters had with the Rebels, *Richard* gave great Marks of Personal Valour: Which caused a Belief, adds that Author, that if hitherto he had shew'd no great Inclination for War, it was not to be ascribed so much to Want of Courage, as to a bad Education [h].

The King's Success in *Ireland*.

In the mean while the Duke of *York*, who had been left Guardian to the Realm in the King's Absence, summoned a Parliament to meet fifteen Days after St. *Hilary*, or *Jan.* 28, in the Year 1395, to consider of the best Way to make the Government of *Ireland* prosperous

Anno Regni 18. 1395.

At *Westminster*.

[g] *Treuga cum* Francia *et* Scotia, *pro quatuor Annis et quatuor Mensibus, immediate sequentibus, tam in Mare quam in Terra.* *Knyghton*, col. 2741.

[h] *Rapin*'s *History*, Fol. Edit. p. 470.

ous and happy. To further this Buſineſs the King ſent over the Duke of *Glouceſter* from *Ireland*; who, coming to this Parliament, declared the King's great Neceſſity for Money, occaſioned by the late Expedition; his great Zeal to make an entire Conqueſt there, and the great Hope he had of Succeſs. The Duke's Speech, whatever it was, is not on the Rolls of Parliament, but we are told that it had ſo powerful an Effect, as to draw from the Clergy a full Tenth, and from the Commons a Tenth and a Fifteenth; and this is all the Record mentions, the reſt of the Proceedings of this Parliament being very ſhort, and nothing at all to our Purpoſe [a]. K. *Richard* II.

The Sect called the *Lollards*, or the Followers of *John Wickliff* and his Doctrines, were about this Time in great Power, and much dreaded by the Prelates and others of the Eſtabliſhed Church; they had often petitioned the King and Council for an Encouragement to their purpoſed Reformation; but we are told they had now the Courage to deliver a Remonſtrance of it to this Parliament. There is not one Word of this on the Rolls; and as it was never our Deſign to enter into Eccleſiaſtical Controverſies, except they were purely Parliamentary, and reſpected the State and Government of the Realm, we ſhall omit this Remonſtrance, which was drawn up in twelve Articles, againſt the Power and Encroachments of the Church of *Rome*, and refer the Reader to the Writers of our *Engliſh* Eccleſiaſtical Hiſtory for them. We are not told, however, what Reception this met with from the Parliament; from whence we ſuppoſe, whatever particular Favourers theſe Reformers might have in the Houſes, yet the Biſhops had then Power enough to ſuppreſs them. [455] Petition of the *Lollards*.

We have now a Chaſm of two Years before we meet with another Parliament; and in the mean Time our general Hiſtorians are ſufficiently taken up with the Deſcription of a Royal Interview between the two Kings of *England* and *France*; and a Marriage ſolemnized [b] between

[a] No Mention of this Parliament in the *Statutes at large*; but there is one in them, ſaid to be held at *Weſtminſter*, *Anno* 1396, *Regni* 19, of which we can meet with no further Account, for it is not on the Rolls. *Statutes at large*, 1396, cap. 6.

[b] The late Queen died a little before his laſt Expedition into *Ireland*, *June* 7, 1394, at *Shene* near *Richmond*. The King's Paſſion for the Loſs of her was ſo exceſſive, that he curſed the Place and pulled down the Palace.

K. *Richard* II. tween the former King and a very young Daughter of the latter, not then full eight Years of Age. After King *Richard*'s coming over, with his young Bride, and her Coronation, he called a Parliament to meet on the 22d of *January*, in the Year 1397, at *Weſtminſter* [c].

Anno Regni 20. 1397. At *Weſtminſter*. Being all aſſembled, on the Day appointed, the Biſhop of *Exeter*, then Chancellor, by the King's Command, opened the Cauſe of Summons, in a Speech, wherein he alledged many Authorities from Holy Writ, to prove four Points on which a Prince ought to conſult his Parliament. The *firſt* was, 'That the Church 'might enjoy her Liberties in Peace.' The *next*, 'That 'all his Subjects ſhould be govern'd without Oppreſſion.' *Thirdly*, 'That the good Laws ſhould be maintained, 'the evil amended, and Juſtice executed.' And, *laſtly*, 'That the Realm ſhould be defended againſt all foreign 'Enemies.' All which, he added, the King was ready to do with their good Advice. He then told them of the Danger the Nation was in from the *Scots* and *Iriſh*, the Hazard of *Guienne* and the Marches of *Calais*, and deſired them to conſult and do what was proper with the leaſt Charge to the Realm.

[456]

Sir JOHN BUSSY, Speaker. The next Day the Commons preſented Sir *John Buſſy*, as their Speaker, whom the King allowed of; and, after making the uſual Proteſtation, he ſaid, 'That the 'Commons required of the King that ſuch Biſhops and 'Lords, as were abſent, ſhould be ſent for.' To which the Chancellor anſwered, 'That it would be too long 'and tedious for that Seſſion.' Then the Commons deſired a Conference with the Chancellor and others of the King's Officers; which being agreed to, and the Chancellor returned from it, the King commanded him to declare the Reſult of that Conference. This Report was, 'That the Commons, by a Bill, required 'four Things: *Firſt*, The Continuance of Sheriffs. '*Next*, That proper Care ſhould be taken of the Nor-'thern Marches. *Another*, About Liveries and Badges. 'And the *laſt*, For avoiding of the extravagant Expences 'of the King's Houſhold, and to forbid Biſhops and La-'dies, who had no particular Buſineſs there, from frequenting

[c] No Mention of this firſt Parliament, held in the Year 1397, in the *Statutes at large*.

'quenting the Court [d].' The Reason for inserting this last Clause in the Bill does not appear; but it seems design'd to drive the Prelates from Court who were attending there, most probably, in Hopes of Translation (a Practice not yet grown obsolete) to take Care of their respective Dioceses; and the Ladies, though they are here strangely coupled, from coming to a Place where they might either tempt others, or be liable themselves to Temptation. Whatever was the Cause of the Bill, the King, being informed of the Contents of it, was highly incensed, and told the Peers, *That it was calculated against those Liberties and Royalties his Progenitors had enjoyed, and which he was resolved to uphold and maintain. He therefore commanded the Lords Spiritual and Temporal to inform the Commons of his Resolution; and particularly ordered the Duke of* Lancaster *to charge Sir* John Bussy, *their Speaker, upon his Allegiance, to acquaint him who it was that brought the Bill into Parliament.* What provoked the King most against it was, that it seemed calculated to regulate the Expence of his Household, which at that Time was very profuse and disorderly.

K. *Richard* II.

The King resents the bringing in a Bill for regulating his Household

[457]

The submissive Answer which the Commons gave to this Message is very extraordinary, and humbler than any we have yet met with from that Body. For, being told the King's Mind in a Conference with the Lords, they immediately delivered in the Bill to them, with the Name of the Person who had brought it into their House, and who was one *Thomas Haxey*, Clerk. The Bill was given to the Clerk of the Crown, by the Clerk of the Parliament, according to the King's Command. Soon after the Commons came before his Majesty, in full Parliament, and there, with all Humility and Obedience, shewed great Concern [e] that the King had conceived such a Resentment against them, 'Humbly pray-'ing him to accept their Excuse; for that it never was 'their Intent or Desire to speak, shew, or act any Thing 'which should be an Offence or give Displeasure to his 'Majesty, or be against his Royal Estate and Liberty; 'especially about this Matter touching his Person, and

The Commons ask Pardon.

[d] *De la Multitude d'Eveſqes et auſſi de pluſeurs Dames*, &c. Rot. Parl. 20 *Rich.* II. N°. 14.

[e] *Faiſant grant Dolour come apparuſt par leur Chier.* Ibid. N°. 16.

K. *Richard* II. 'the Government of his Houſe, or about the Lords and 'Ladies of his Court, or any other Matter that regarded himſelf; knowing very well that ſuch Things did 'not belong to them, but ſolely to the King himſelf, 'and in his own ordering: That their Intention was 'only to ſhew their great Affection to his Majeſty, as 'faithful Subjects, and to deſire the Lords to pray him 'to conſider his own honourable Eſtate, and to do 'therein what he thought good: That they ſubmitted 'themſelves to the King's Will and Favour; humbly 'beſeeching his Majeſty graciouſly to excuſe them; be-'ing always ready to ſave his Royal Eſtate and Liberty, [458] 'and to perform, with Body and Goods, as loyal Sub-'jects are bound to do, whatever ſhall be for the Ho-'nour and Safety of his Royal Perſon and Dignity'[f].

Upon this Declaration, the King commanded the Chancellor to tell the Commons, *That, out of his Royal Benignity and gracious Seigniory, he then fully excuſed them.*—Who can read this and imagine that the ſame Body of Men, as we may near ſuppoſe, tho' in a different Parliament, now ſo very paſſive, ſhould, in a very ſhort Space after, depoſe this King for his ill Government, and ſet up another in his Stead?

The Member who brought in the Bill ſentenced to die.

As a farther Proof of their Attachment to the Prerogative Royal, *Thomas Haxey*, Clerk, was tried before this Parliament, and condemned to die the Death of a Traitor. But here the Church interpoſed; for, ſoon after the Sentence, the Archbiſhop of *Canterbury*, and all the other Prelates, came before the King in Parliament, with great Humility, and made Proteſtation, 'That their ſincere and full Intention was, and always 'ſhould be, to have his Majeſty's Royal Eſtate and 'Power ever ſaved and preſerved without Diminution. 'And then they beſeeched the King to grant them the 'Life of *Thomas Haxey*, and the Cuſtody of his Body, 'not as of Right belonging to them, but of his ſpecial 'Grace and Favour.' Which Petition the King granted.

In this Parliament alſo every Thing that was done nine Years before againſt the Prerogative, was now reverſed and intirely diſannulled. So uncertain in their Proceedings, ſays Mr. *Tyrrel*[g], have Parliaments been when managed by Court Intrigues, or popular Factions. *Robert*

[f] Rot. Parl. 20 *Rich.* II. N°. 17.
[g] *Hiſtory of England*, Vol. III. p. 959.

bert Belknappe, *John Holt*, and *William Burgh*, Knights, and formerly Judges, who had been baniſhed into *Ireland* by the aforeſaid Act, had Leave given them by the King, with the Conſent of the other Eſtates, to return into *England*, and practiſe the Law without Impeachment. Saving always againſt them all other Points mentioned in the ſaid Statute [p]. K. *Richard* II. The baniſhed Judges allowed to return.

Something memorable was likewiſe tranſacted in this Parliament, relating to the Great Duke of *Lancaſter*. This Prince having loſt his firſt Wife, *Conſtance*, Daughter to the King of *Caſtile*, thought proper to marry *Catherine Swynford*, a Lady by whom he had ſeveral Children during the Life of his Ducheſs; by which Match he greatly diſguſted the King and the reſt of his Royal Relations. However, the Duke found Intereſt enough to carry a Bill thro' both the Houſes, and got the Royal Aſſent to it, to have the Iſſue he had by the ſaid Lady, before Marriage, legitimated, and made capable to ſucceed to, and enjoy, all Dignities, Lands, and Inheritances that might deſcend to them from the Duke their Father, except the Crown. This laſt Dignity is not mentioned in the Act, as appears by the King's Charter of Legitimation, grounded on it, and is yet extant on Record [q]; though, many Years after, a Deſcendant of this legitimated Race came to the Crown of *England*, not by Succeſſion, but by the Sword, in the Perſon of *Henry* VII. The King alſo, at the ſame Time, out of his particular Grace and Favour, and by the Conſent of Parliament, created *Thomas de Beaufort*, the eldeſt of the ſaid Duke's Baſe Sons, Earl of *Somerſet*, from whom the preſent Duke of *Beaufort* is deſcended [r]. [459]

Alſo, by a Charter of Creation, read and confirmed in this Parliament, the King granted to *Thomas Mowbray*, Earl of *Nottingham*, and to the Heirs Male of his Body, lawfully begotten, the Office, Name, and Title of Earl Marſhal of *England*; the Office of Marſhal in the King's Bench and in the Exchequer; the Office of Proclaimer Marſhal; the Steward and Marſhal of the King's Houſhold; and further, that the ſaid Earl and

p This is put under the laſt Parliament in the *Statute Books*, as we have before mentioned.

q Rot. Parl. 20 *Richard* II. N°. 28, 29.

r *John* Duke of *Somerſet* was the only one of the three legitimated Sons that left any Iſſue, and he was Great Grandfather, by the Mother's Side, to *Henry* VII. *Biondi*, p. 31.

K. *Richard* II. his Heirs Male, Marſhals of *England*, by Virtue of that Office, may carry before them a certain golden Staff, enamelled black at both Ends; with the King's Arms at the upper End, and his own Arms at the other. Which Office of Earl Marſhal is ſtill in the Deſcendants, though not in the Name, of this Noble Family.

The King had acquainted the Commons in this Parliament by his own Mouth, That they had been obliged to him ſeveral Ways; but more eſpecially in this, that he now declared he would never again ſeek to burden or charge them with Tenths, or Fifteenths, in his own Perſon. Upon which Declaration the Commons, with Conſent of the Lords Spiritual and Temporal, gave the King the uſual Duty of 12 *d. per* Pound on all Merchandize, and 3 *s.* a Ton on Wine, for three Years to come. As alſo the former Subſidy on Woolls, Wooll-fells, Leather, *&c.* for five Years.

[460] It was at this Time Affairs began to take a different and ſurprizing Turn. The Behaviour of the laſt Parliament, we ſuppoſe, gave the King great Spirits; and, by the Aſſiſtance of another, more ſuppliant than the former, the Tables were turned indeed, and thoſe great Lords, who had long ruled at the Helm, were proſecuted with the utmoſt Severity. How this extraordinary Change was brought about amongſt the Peers and Repreſentatives of the People, let the more copious Hiſtorians give according to their Intelligence; for us it ſuffices to relate the Matter of Fact, and leave it to the Reader's own Reflection.

On the firſt of *Auguſt*, this Year, the King held a Great Council of the Peers at *Nottingham*, himſelf ſitting amongſt them, with his Crown on his Head, in the great Hall of the Caſtle. Here it was that *Edward* Earl of *Rutland*, *Thomas* Earl of *Kent*, *John* Earl of *Huntingdon*, *Thomas* Earl of *Nottingham*, *John* Earl of *Somerſet*, *John* Earl of *Saliſbury*, *Thomas* Lord *Deſpenſer*, and *William le Scrope*, Chamberlain to the King, brought a Bill of Appeal of Treaſon againſt *Thomas* Duke of *Glouceſter*, *Richard* Earl of *Arundele*, and *Thomas* Earl of *Warwick*. This Bill being read, by Advice of the Peers and thoſe of the King's Council, the accuſed Lords had a Day aſſigned them to anſwer in the next Parliament,

ment, which was summoned to meet on the 17th of *September* following, at *Westminster* [s]. K. *Richard* II.

As a Prelude to the Meeting of this other famous Parliament of this King's Reign, we find, in the *Public Acts*, an Order from the King directed to his Uncle, *John* Duke of *Lancaster*, &c. for raising 300 armed Men and 60 Archers, as a Guard to the King's Person at the ensuing Parliament. The same Order was sent to *Edmund* Duke of *York*, for 100 Soldiers and 200 Archers; and another to *Henry* Earl of *Derby*, for 200 Men at Arms and 40 Archers [t]. Some Historians mention also a much larger Body of *Cheshire* Men, who had the immediate Care of the King's Person; but we find no such Account of them on Record. However, an old Historian writes that the Lords and Great Men came to this Parliament with such Numbers of armed Men and other Attendants, that there was not half Lodgings within the City and Suburbs of *London* for them; insomuch that very many were obliged to lie in the Villages ten or twelve Miles on each Side the Town [u]. Further, the same old Chronicler goes on and tells us, that the King had caused to be made, within the Palace at *Westminster*, a large House of Timber, covered on the Top with Tiles, but open at both Ends, that all Men might see through it. This House was of so great a Compass that it would scarce stand within the Court of the Palace [x]. At one End of it was erected [461]

[s] It cannot be amiss to give Monsieur *Rapin Thoyras*'s Reflections on the Methods made Use of in packing this Parliament, though there was no apparent Occasion for it, considering the good Disposition of the two last. After reciting that the King had changed all the Sheriffs in *England*, and appointed none but such as had promised to be at his Devotion; as well as influenced those who had the chiefest Power in the Cities, Boroughs, &c. he goes on and says, 'That it must not be thought difficult for a 'King of *England* to execute such a Project: Experience has since con-'firmed it, by numberless Instances, that, by the like Ways, it is very pos-'sible to cause Representatives, to be chosen devoted to the Court. How-'ever, Historians remark, that it was at this Parliament that such Prac-'tices were first used. But it must likewise be added, that it was one 'of the principal Causes of *Richard*'s Destruction. And, indeed, it is im-'possible *that a Nation can see their Liberties in the Hands of Men, whom 'they have not themselves freely chosen, without desiring to be delivered from 'such an Oppression.* Rapin, Fol. Ed. p. 468.

[t] *Fœd. Ang.* Tom. VIII. p. 14.

[u] *Hollingshead*'s *Chron.* p. 490.

[x] *J. Stowe* writes that this large Timber Building was erected betwixt the Clock Tower and the Door of the great Hall at *Westminster*, which must be the present Palace-yard. *Stowe*'s *Chron.* p. 315.

ed

K. *Richard* II. ed a high Throne for the King, and a large Place on each Side for the Biſhops and Peers of Parliament. The Lords Appellants and Defendants had each Places aſſigned them, one oppoſite to the other. There was alſo a particular Diviſion kept for the Commons of Parliament, on the fore Part of which was a Place for their Speaker.

[462]

Anno Regni 21. 1397.

At *Weſtminſter.*

Matters being in this extraordinary Manner adjuſted, at the Time appointed, being *September* 17, 1397, the King, Lords, and Commons all met; when the Biſhop of *Exeter*, as Lord-Chancellor, by his Majeſty's Command, opened the Seſſion by a Speech, which he began with a Text taken from *Ezekiel*, *Rex unus erit omnibus*. The Prelate endeavoured to prove, by many Authorities, 'That no Realm could be well governed but by one 'ſole King; and that, to the right Conduct of a good 'King, three Things were wanting; 1*ſt*, That he ſhould 'be powerful; 2*dly*, Strict in the Execution of the Laws 'by which he governed; and, *laſtly*, That the Subjects 'ſhould be obedient to the King and the Laws of the 'Kingdom. That the King might grow more power-'ful, he told them that many Liberties and Prerogatives 'were given to him, which, at the Time of his Coro-'nation, he was ſworn to maintain: And if any Thing 'was done ſince, contrary to them and the Law, they 'were revoked; of which Particular they themſelves 'were then called to conſult. That Laws ought to be 'executed, appeared by the common Example of a good 'Father, who uſes to ſtrike as well as ſtroke his Child. 'But, for the better Execution of them, the King had 'appointed new Judges and Officers thro' the Realm, 'and was now deſirous to redreſs any Defects of the 'Law which could be ſhewn him; and that the Na-'tional Subjects ought to obey the King and his Laws, 'was apparent, for that no Man could claim any Pro-'perty of Life or Goods, or any Fruit of his Labour, 'without the Prince, who is the Pillar of the Law. 'He concluded with obſerving, that the King meant to 'maintain the Laws, and to continue the general and 'particular Liberties granted to all Corporations and 'every ſingle Perſon; further, that he deſigned to grant

'a ge-

'a general Pardon to all his Subjects, except to some 'particular Perſons. K. *Richard* II.

The next Day the Commons preſented Sir *John Buſſy* again to the King, as their Speaker [y], who, being approved of, made the uſual Proteſtation, which he prayed might be recorded. Sir JOHN BUSSY once more Speaker. [463]

The firſt Thing that paſſed all their Conſents was an Act to confirm to Holy Church, the Lords Spiritual and Temporal, and to all Cities, Boroughs, and Commonalties of the Realm, their Liberties and Franchiſes, as they had reaſonably held and enjoyed them in the Time of the King's Noble Progenitors: And becauſe that ſeveral Judgments were heretofore not finiſhed, by reaſon the Clergy were not preſent, nor conſenting to them, the Commons prayed the King that they might now appoint a general Proctor, who might have ſufficient Authority to act for them [z]: Whereupon the two Archbiſhops, and the Clergy of both Provinces, conſtituted and appointed Sir *Thomas Piercy* their Procurator, as appears by their Inſtruments made for that Purpoſe, and entered on the Roll.

Afterwards the Commiſſion and Statute purſuant to it, made in the 11th Year of this King, and to which the King, at the Peril of his Life [a], was obliged to conſent, was wholly repealed and made void, at the Petition of the Commons, as being traiterouſly made, by Conſtraint and Compulſion, againſt the King's Will, his Royalty, Crown, and Dignity. And it was ordained and eſtabliſhed by the King, with the Advice and Conſent of the Lords and Commons, 'That no ſuch-like Commiſſion ſhould be made for the future, and he who ſhould All the Proceedings of the Commiſſion of the 11th of this King reverſed,

[y] *Holling ſhead* writes that this Sir *John Buſhie*, or *Buſſy*, Speaker, in all his Speeches which he made to the King, did not give him the accuſtomed Titles of Honour, but invented unuſual Terms, and ſuch Epithets as were rather agreeable to the Divine Majeſty of God than to any Earthly Potentate: Which, adds he, this Prince, being more ambitious and deſirous of Honour than was requiſite, gave too much Ear to. *Holling ſhead*'s *Chron.* p. 490.

[z] This was becauſe the Biſhops could not be preſent in any Judgment of Blood. Sir *John Hayward*, p. 40. But ſome Hiſtorians write, that, before the Prelates withdrew, they were ſeverally aſked their Opinions, Whether the Charters of Pardons formerly given by the King could be revoked? To which all of them, except the Archbiſhop of *Canterbury*, anſwered, That they, being done by Compulſion, might be made void. *Walſingham*, *ſub hoc Anno*. *Holling ſhead*'s *Chron.* p. 491.

[a] *Feuſt en grant Peril de ſa Vie.* Rot. Parl. 21 *Rich.* II. N°. 11.

K. *Richard* II. should endeavour to procure any such to be made for the Time to come, being thereof duly convict, should suffer Death as a Traitor.'

Then the Pardons granted to the Duke of *Glouceſter*, and the Earls of *Arundele* and *Warwick*, in the Parliament of the 11th Year of this King, were made void, as being obtained by Force, and againſt the King's Will. Alſo the Pardon granted to the Earl of *Arundele* at *Windſor*, the 17th of this King, was in like Manner revoked and annulled.

[464]

The third Day of the Seſſion the Commons came before the King, in full Parliament, and made Proteſtation by their Speaker, that though they intended to ſhew and declare certain Matters and Articles, which they had then adviſed of and agreed amongſt themſelves, yet nevertheleſs it was, and is, their Intent and Will, with Leave of the King, to accuſe or impeach any Perſon or Perſons, as oft as they ſhould think fit, during the Time of this Parliament. They prayed the King that he would pleaſe to accept this Proteſtation, and that it might be entered as a Record on the Roll of Parliament; which the King granted, and commanded to be done accordingly [b].

And the Archbiſhop of *Canterbury* impeached.

On the ſame Day the Commons came again before the King in Parliament, and impeached *Thomas Arundele*, then Archbiſhop of *Canterbury*, of High Treaſon; 'For that he, being the chief Officer of the King, his 'Chancellor, when he was Biſhop of *Ely*, was traiterouſly aiding, procuring, and adviſing in making a 'Commiſſion, directed to *Thomas* Duke of *Glouceſter*, '*Richard* Earl of *Arundele*, and others, in the 10th Year 'of his Majeſty's Reign; and made and procured himſelf, as chief Officer, to be put into it, to have Power, 'with the other Commiſſioners, to ſee it put in Execution; which Commiſſion was made in Prejudice to the 'King, and openly againſt his Royalty, Crown, and 'Dignity; and that the ſaid *Thomas* actually put the 'ſaid Commiſſion in Execution.

'Alſo that the ſaid Archbiſhop, in the 11th Year of 'the King, procured and adviſed the Duke of *Glouceſter*, 'with

[b] Rot. Parl. 21 *Richard* II. N°. 14. The whole of the Proceedings at theſe Trials are put together at the End of thoſe of this Parliament, under this Title, *Placita Coronæ coram Domino Rege in Parliamento apud* Weſtmonaſterie, &c.

'with the Earls of *Warwick* and *Arundele*, to take upon K. *Richard* II.
'them Royal Power, and to arreſt the King's Liege
'Subjects, *viz.* *Simon Burley* and *James Berners*,
'Knights, and adjudge them to Death, contrary to the
'King's Will, and without his Conſent; thereupon
'the ſaid Commons prayed the King that the ſaid Arch-
'biſhop might be put into ſafe Cuſtody.' The King anſwered, *Becauſe the Accuſation and Impeachment touched ſo high a Perſon, and a Peer of the Realm, he would be adviſed.*

The next Day the Commons prayed the King, 'That, [465]
'as they had impeached and accuſed the Archbiſhop
'of *Canterbury* of aſſenting and being in the Contri-
'vance of making the Commiſſion on the 19th of *No-*
'*vember*, in the 10th of the King, and agreed to the
'Execution of the ſame, which was expreſly againſt his
'State and Dignity, that he would pleaſe to ordain ſuch
'Judgment againſt the ſaid Archbiſhop as the Cauſe
'required.' Hereupon the King commanded it to be recorded in Parliament, that *the Archbiſhop had been before him, in the Preſence of certain Lords, and confeſſed that he was miſtaken, or erred, in the Exerciſe of the Commiſſion; and therefore put himſelf upon the King's Grace and Mercy.*

On the 25th of *September*, the King and the Lords Temporal, with Sir *Thomas Piercy*, the Proctor for the Prelates, who, as it appears upon Record, had full Power from the whole Body of the Clergy to act for them, adjudged and declared the ſaid Article, which the Archbiſhop had confeſſed, to be Treaſon, and that it touched the King himſelf; for which they alſo adjudged and declared him a Traitor. And it was awarded in Parliament, 'That he ſhould be baniſhed out of
'the Kingdom, have his Temporalities ſeized, and his
'Goods and Chattels forfeited to the King, who was
'alſo to appoint the Time of his Exile.' Whereupon the King aſſigned him a Time of Paſſage, which was from the Eve of St. *Michael* untill ſix Weeks next enſuing, to paſs from the Port of *Dover* into *France*; and further, that he ſhould forfeit all his Lands, Tenements, and Poſſeſſions, which he had in Fee Simple by Deſcent, or Purchaſe, or otherwiſe, at the Day of the Treaſon committed, or after, or that any one held to his

And baniſhed.

K. *Richard* II. his Use, to the King and his Heirs for ever. This is the second Example, *Thomas Becket* being the first, of any Archbishop being banished the Realm by Sentence of Parliament [a].

[466] And now came on the other Proceedings of this Parliament against the Duke of *Glouceſter*, and the Earls of *Arundele* and *Warwick*, contained in several Articles of Impeachment then brought against them, by Way of Bill, by the Lords Appellants, mentioned in the Council at *Nottingham*. The Bill, as appears by the Record itself, was directed to the King in Parliament, and is to this Effect:

The Duke of *Glouceſter*, the Earls of *Arundele* and *Warwick*, and *Thomas Mortimer*, impeached.

First, it sets forth, 'That the Duke of *Glouceſter* and 'the Earl of *Arundele*, designing to encroach and have 'the Government of your Royal Person and Kingdom, 'with the Liberties and Dignities thereof, as well 'within this Kingdom as without; when the Parliament sat at *Weſtminſter*, in the 10th Year of your 'Reign, they sent a Peer of the Land to you, who, on 'their Behalf, and by their Command, told your Majesty, that if you would not consent to make to them, 'and others whom they should name, such a Commission whereby they might have the Government in the 'Manner as is above related, you should be in Danger 'of your Life, and the Lords and Commons of Parliament would depart without your Leave; and then you 'should see in what a miserable Condition you would 'be; so that, in very Fear of their Power, you then 'granted such a Commission as they desired.'

Next follows the Commission itself, which we have already given under the 10th Year of this King's Reign [b]; and then the Impeachment goes on thus:

I.

[a] Mr. *Collier* observes that this is another Precedent of a Bishop being tried by his Peers, it being plain by the Record, adds he, that Judgment was given by the House of Lords, not in a legislative but in a judicial Way; and that the Commons were only Prosecutors in this Case, *&c.* *Collier*'s *Eccleſ. Hiſt.* Vol. 1. p. 601.

Though the Archbishop was present the first Day when the Commons brought in their Impeachment, and offered to make his Defence, yet he was absent the next when Sentence was pronounced against him. Some Authors accuse the King of double Dealing in the Affair; and that he commanded the Prelate not to come into the House; having first made him a Promise of his Friendship, and given him his Oath that the Lords should do nothing to his Prejudice. *Hollingſhead*'s *Chron.* p. 490. *Collier*, *Ibidem.*

[b] See before, p. 401, 427.

I. 'The said Duke and Earl of *Arundele*, to accom- K. *Richard* II.
'pliſh their traiterous Purpoſes, and to have your Roy-
'al Perſon in their Power, ordered, as they pleaſed,
'the Government of your whole State, with the Laws
'and Dignities thereof, and prevailed with *Thomas* Earl
'of *Warwick* and *Thomas Mortimer* to join with them [467]
'in their traiterous Deſign; who, by Agreement, as
'Traitors to the King and Kingdom, all met and aſ-
'ſembled on the thirteenth of *November*, in the 11th
'Year of your Reign, at *Haringhay-Park*, in *Midaleſex*,
'with a great Number of People, armed and arrayed,
'and made divers of your Liege People, in ſeveral Parts
'of your Realm, to riſe, and march with them, againſt
'your Royal Perſon, contrary to their Legiance, and
'would not come before your Preſence, untill they were
'ſecured by your Oath that they might come and re-
'turn ſafely; and then they all appeared before you in
'your Palace at *Weſtminſter*, with a great Force of arm-
'ed Men, and traiterouſly conſtrained you to take them
'into your ſafe Protection, againſt your Will and Plea-
'ſure.

II. 'The ſaid Duke, the Earls of *Arundele* and *War-*
'*wick*, and *Thomas Mortimer*, continuing their traite-
'rous Purpoſes, by Force and Violence, did take and
'impriſon divers of your Liege People, and amongſt
'others, Sir *Simon Burley*, and brought him to your
'Parliament, held on the Morrow of the Purification,
'in the 11th Year of your Reign, and there ſuggeſted
'divers Points of high Crimes and Treaſon againſt him,
'and the Advice of every Lord then preſent was aſked,
'concerning the Crimes of the ſaid *Simon*, and after-
'wards the Duke and Earls would know your Advice
'and Opinion; and you anſwered plainly, He was not
'guilty in any Point objected againſt him. And, after
'that, the Duke and Earls cauſed you to come into a
'ſecret Place at *Weſtminſter*, and there ſhewed you the
'Particulars of the Crimes aboveſaid. To whom you
'then anſwered likewiſe, that the ſaid *Simon* was not
'guilty in any of thoſe Points. And there they took up-
'on them traiterouſly to have you by Force conſent to
'the Judgment they had deſigned againſt him; and yet
'you would not conſent to any Judgment to be given
'againſt the ſaid *Simon*. Yet nevertheleſs, the ſaid

'Duke

K. *Richard* II. ‘ Duke and Earls took upon them Royal Power, in ‘ Prejudice of you, and in Derogation to your Crown, ‘ and without your Aſſent, and contrary to your Will, ‘ in your Abſence, and in the Abſence of many other ‘ Peers of Parliament, without their Aſſent, and againſt [468] ‘ their Wills, they awarded that the ſaid *Simon* ſhould ‘ be drawn, hanged, and beheaded; and thereupon they ‘ traiterouſly cauſed his Head to be ſtruck off, againſt ‘ your Peace, Crown, Majeſty, and Dignity.

III. ‘ The aforeſaid Duke, Earls, and *Thomas Mortimer*, continuing their malicious, falſe, and traiterous ‘ Purpoſes and Force, at *Huntingdon*, on *Thurſday* the ‘ 6th of *December*, in the ſaid 11th Year, traiterouſly ‘ agreed, and intended to have gone with their Forces ‘ to any Place of the Kingdom, where they might have ‘ found your Royal Perſon, to have ſurrendered to you ‘ their Homage Liege, and to have depoſed you; and ‘ this they would have done, had they not been hinder- ‘ ed by *Henry* of *Lancaſter* Earl of *Derby*, and *Thomas* ‘ *Mowbray* Earl of *Nottingham*. And the ſaid Duke and ‘ Earls continuing their traiterous Intention and Force, ‘ by Agreement between them, cauſed the Records in ‘ your Treaſury, of the Time of your Grandfather ‘ King *Edward*, to be ſearched, how he demiſed his ‘ Crown; and they ſhewed to you, in Writing, the ‘ Cauſes of the Demiſe of his Crown in your Palace at ‘ *Weſtminſter*, in the Time of Parliament, in the ſaid ‘ 11th Year, and they ſaid, falſly and traiterouſly, that ‘ they had Cauſe ſufficient to depoſe you, but for the Re- ‘ verence they had for your moſt Noble Grandfather, ‘ and Father; and they ſaid alſo, that, in Hopes of your ‘ better Government, they would ſuffer you to con- ‘ tinue in your Royal Eſtate and Regality.

IV. ‘ Which Treaſon ſo imagined, done, and per- ‘ petrated by the aforeſaid Duke, Earls, and *Thomas* ‘ *Mortimer*, againſt your Royal Perſon, Eſtate, Maje- ‘ ſty, and Dignity, as is above declared, we the Ap- ‘ pellants (there named) your loyal Lieges, have been ‘ and are ready to prove againſt the ſaid Duke, the Earls ‘ of *Arundele* and *Warwick*, and *Thomas Mortimer*, as ‘ you, our moſt dread Lord, and this high and honour- ‘ able Court, your Parliament, ſhall order.’

Theſe

K. *Richard* II.

These Articles having been read, the Lords Appellants [b] prayed the King that the Accused might be brought before him, in Parliament, to make their Answer. [469] Accordingly *Ralph* Lord *Nevil*, Constable of the Tower, there present, had Orders to bring before them *Richard* Earl of *Arundele*, his Prisoner, which he did, on the fourth Day of this Session of Parliament. The Duke of *Lancaster*, being constituted Lord High-Steward of *England*, *pro hac Vice*, told the Prisoner, that he was impeached of divers Acts of High Treason; and the Appeal being read to him, his Answer was, 'That 'he had a general Pardon in the Parliament held in the '11th Year of the King; as also a Charter of Pardon 'made to him within six Years last past, both which he 'prayed might be allowed.' The Lord High-Steward told the Earl, by Command of the King and Consent of Parliament, 'That the Pardon granted in the 11th 'Year, was made by Constraint upon the King, by the 'said Duke, Earls, and others of their Party, assuming 'to themselves Royal Power, in Prejudice to the King, 'his Royal Estate, Crown, and Dignity; and that the 'Charter of Pardon was made in Deceit of the King, 'and expressly against him and his Royal Dignity; 'wherefore, upon the Request of the Commons, by 'Consent of the King and all the Estates of Parliament, 'the said Pardon and Charter had been in this Parliament repealed and made void.' The Earl was asked If he had any Thing more to say; and he being silent, Sir *William Clopton*, Chief Justice of the King's Bench, by the King's Command, declared to him the Law, and the Punishment he must undergo, if he pleaded nothing else; for, if he did not, he would be convicted and attainted of all the Matters objected against him. But upon the Earl's still insisting on his Charter and [470] Pardon, and demanding the Allowance of them, the Lords

[b] Honest *J. Stowe* is so particular in describing the Proceedings of this Parliament, that he gives us the Dress the Lords Appellants wore on this Day. They were clad, says he, in red Gowns of Silk, garded and boarded with white Silk, and embroidered with Letters of Gold He adds, that the Earl of *Arundele* came to his Trial in a red Gown and Scarlet Hood, which the Duke of *Lancaster* ordered the Lord *Nevil* to take off, along with his Girdle. *Stowe's Chronicle*, 316.

Both this Earl and the Earl of *Warwick* had been taken by the King's Command, and sent Prisoners to the Tower, some Time before. *Froissart*, cap. ccxxvi.

K. *Richard* II. Lords Appellants, in their proper Perſons, prayed the King, 'That it would pleaſe him to give Judgment 'upon him as convicted of all the Points on which he 'was accuſed [c].'

Then the Lord High-Steward, by Command of the King, all the Lords Temporal, and Sir *Thomas Piercy*, Proctor for the Clergy [d], as before taken Notice of, adjudged the ſaid Earl of *Arundele* 'Guilty and convict of 'all the Points on which he ſtood appealed, and, as a 'Traitor to the King and Realm, to be drawn, hanged, 'beheaded, and quartered: And farther, becauſe his 'Treaſons were of ſo high a Nature as to have gone 'about to ſurrender their Liege Homage, and depoſe the 'King, and that his levying War was ſo notorious, the 'ſaid Lord High-Steward, by the Authority aforeſaid, 'awarded that all his Caſtles, Manors, Lands, Tene-'ments, Reverſions, Fees, and every other Manor of 'Inheritance, as well in Fee-Tail as Fee-Simple. which 'were the ſaid Earl of *Arundele*'s on the 19th of *Novem-'ber*, in the 10th Year of the King, or afterwards; and 'alſo all the Lands and Tenements of which other Per-'ſons were infeoffed to his Uſe, the ſaid 19th of *No-'vember*, or afterwards, with all his Goods and Chat-'tels, ſhould be forfeited to the King and his Heirs for 'ever.' But the King graciouſly remitted that Part of his Sentence of being drawn, hanged, and quartered; and, to ſhew Equity as well as Rigour, the King and Lords, both Spiritual and Temporal, declared, That it was not their Intention that the Lands and Tenements, Fees, or any other Inheritance of which the ſaid Earl ſtood

The Earl of *Arundele* convicted,

And beheaded.

[471]

[c] The aforecited Author, *J. Stowe*, has given us a ſtrange Account of this Trial, wherein he makes the Sum of the Earl's Anſwers to his Accuſers to be, *Thou lies, and thou lies. Ibid* 317. Another Hiſtorian writes, That the King declared, He had been more affronted by the Earl of *Arundele* than any of the reſt, in the Perſon of the late Queen; who was upon her Knees three Hours, at one Time to him, begging the Life of *John Calverlie*, one of her Eſquires, and all the Anſwer ſhe could get from this haughty Earl, was, *Madam, pray for yourſelf and your Huſband, for that is beſt, and let this Suit alone.* Hollingſhead's Chronicle, *p.* 490.

[d] Mr. *Collier* here again obſerves, That, at this Trial, Sir *Thomas Piercy*, the Proxy for the Biſhops, was one of the Earl's Judges, and joined in the Sentence with the Temporal Lords; from which he infers, that the Biſhops withdrawing from the Houſe of Lords, in Caſes of Blood, was only a voluntary Abſence, occaſioned by the Reſtraint of the Canons. For, adds he, a Delegation from a Principal to a Proxy muſt carry the ſame Authority with the Perſon he repreſents. *Col. Ecc. Hiſt.* Vol. I. 601, 2.

stood infeoffed, to the Use of another, should in any Manner be forfeited by reason of this Judgment [c]. K. *Richard* II.

On the very same Day that the Earl of *Arundele* was brought into Parliament, and tried and convicted, the King directed his Warrant to *Thomas* Earl Marshal, Governor of the Town of *Calais*, or to his Lieutenant, signifying that he should bring over the Body of *Thomas* Duke of *Glouceſter* with all the Speed he could, to answer to divers Articles of Treason objected against him, in Parliament, by the Appellants, according to the Law and Custom used in *England*, and further to receive the Orders of the King and Parliament concerning him. This Writ bears Date at *Westminster*, *Sept.* 21, in the 21st Year of his Reign, by the King and Council in Parliament. [f]

The Answer, or Return, of the Earl Marshal to this Warrant, was, 'That he could not bring the said Duke 'before the King and his Council in that Parliament, 'for that being in his Custody, in the King's Prison at '*Calais*, he there died.' This Return was made *September* 24.

Upon the reading of this Warrant and Return in Parliament, the Lords Appellants, in their proper Persons, prayed the King, 'That the said Duke of *Glouceſter* 'might be declared a Traitor and an Enemy to him, as 'having levied War in this Kingdom against his Person, 'and contrary to his Allegiance: And that all his Lands, [472] 'Tenements, Goods, and Chattels, might be forfeited, 'as in this Case, notwithstanding his Death, they ought 'to be.' Then the Commons prayed the King and Lords, 'That since it was notoriously known to his 'Majesty and all the Estates of this present Parliament,

[c] The King, out of Respect to his Quality, changed the Sentence to Beheading only, and he was executed the same Day on *Tower-Hill*. *Stowe*, 317. See an Account of this Earl's Behaviour at his Death in *Hollingſhead's Chronicle*, p. 493. Father *Orleans*, in his History of the Revolutions of *England*, makes, upon this Occasion, the following Remark, 'That the *English* Nation, as well as most of their Authors, are always 'favourable to Rebels. After the Death of the Earl of *Arundele*, the Po-'pulace began to ascribe Miracles to his Tomb; such as they had for-'merly done to *Montfort* Earl of *Leiceſter*, adds the Jesuit, under *Henry* III. 'and the Earl of *Lancaſter* under *Edward* II. who both died for much the 'same Cause with *Arundele*.' *Pere d'Orleans*, Vol. II.

[f] The Writ and Return to it are both printed, from the Record, in Dr. *Brady's Appendix*, N°. III. Also in the *Public Acts*, Vol. VIII. p. 15. But principally in the *Placita Coronæ*.

K. *Richard* II.

'and to all the Kingdom, that the said Duke, and 'others of his Party, assembled at *Haringhay*, in the 'County of *Middlesex*, with a great Number of People, 'armed and arrayed, to make War against the King, 'contrary to their Allegiance, and came with those 'Forces into the King's Presence, which was levying 'War against their Liege Lord, that he might there-'upon be adjudged as a Traitor, and his Lands, Tene-'ments, *&c.* notwithstanding his Death before, for-'feited.' Whereupon all the Lords Temporal, and the aforesaid Sir *Thomas Piercy*, Proctor for the Clergy, having been singly examined, declared that the said Crime and Treason was notoriously known to them and the whole Kingdom; wherefore they, with the King's Assent, declared him guilty of levying War as a Traitor, and adjudged all his Castles, Lands, Manors, *&c.* which he was possessed of on the 13th of *November*, in the 11th Year of this Reign, to be forfeited to the King and his Heirs; and that none of his Issue, or Heirs of his Body, or their Issue or Heirs, in Time to come, should ever bear the Royal Arms of *England* entire, or with Difference; or, in any other Manner whatsoever, should inherit the Crown of *England*.

The Duke of *Glouceſter*, tho' dead, declared guilty of High Treason.

On the 25th of *September* the said Appellants prayed the King in full Parliament, that if there was any Thing upon Record, either by Confession of any Person accused, or any other Person whatsoever, touching their Appeal, that it might be openly known and declared in full Parliament. Upon which Petition, by the Advice of the Lords Temporal, the King commanded that a Commission, bearing Date the 17th of *August* last past, directed to Sir *William Rickhill*, one of the Justices of the common Bench, together with a Confession made before him by *Thomas*, late Duke of *Glouceſter*, by Virtue of the aboveſaid Commiſſion, with the Return of that Commiſſion, be read in Parliament. The Duke's Confeſſion is in old *Engliſh*, and was not the Matter of it very particular, the Language deſerves our Notice, as another Specimen, from a Prince, of the Inelegance of the *Engliſh* Tongue in thoſe Days.

[473]

'This is the Anſwer of *William Rickhill* to the Com-'miſſion of his Liege Lord the King. *Thomas* Duke of

'*Glou-*

'*Glouceſter*, be the Name of *Thomas Woodſtock*, the Zer K. *Richard* II.
'of the King *Richard* twenty-one, in the Caſtle of *Ca-*
'*leys*, by Vertue of a Commiſſion of the King, as it is
'more plainly declared in the ſame, directed to *William*
'*Rickhill*, Juſtice, hath I know and confeſſed to fore the
'ſame *William* all the Matters and Points I wrote in
'this great Roll annexed to this Schedule, the which
'Schedule and great Roll, both ſealed under the Seal of
'the aforeſaid *William*, and all the Matters and Points I
'know and confeſſed by the aforeſaid Duke in the Caſtle
'of *Caleys*, the foreſaid Duke be his own Hand fully and
'plainly I wrote, and delevered it to the ſame *William*
'*Rickhill* touching this Matter, as it was done in the
'Preſence of *John Lancaſter* and *John Lovetoft*, and in
'none other Manner.'

I Thomas *of* Woodſtock, *the Zer of my Lord the King twenty-one, be the Vertue of a Commiſſion of my Lord the King the ſame Zer, directed to* William Rickhill, *Juſtice, the which is comprehended more plainly in the foreſaid Commiſſion, knowleche that I was one with ſterynge of other Men to aſſent to the making of a Commiſſion, in the which Commiſſion I, among other, reſtrained my Lord of his Freedom, and took upon me, among others, Power Regal, truly not knowing ne witting that Time that I did againſt his Eſtate, nor his Royaltie, as I did after, and do now; and foraſmuch as I knew afterward that I had done wrong, and take upon me more than I ought to do, I ſubmitted me to my Lord, and cried him Mercy and Grace, and yet do as truly and as meekly as any Man may, and put me high and low in his Mercy and Grace, as he hath always been full of Mercy and Grace to all other.* His Confeſſion while in Priſon.

Alſo, in that Time, that I came armed into my Lord's Preſence, and into his Palace, howſoever that I did it for Drede of my Life, I knowleche for certain that I did Evil, and againſt his Regalitie, and his Eſtate, wherefore I ſubmit me lowly and meekly to his Mercy, and to his Grace. [474]

Alſo, in that I took my Lord's Letters of his Meſſages, and opened them againſt his Leave, I knowleche that I did Evil, wherefore I put me lowly in his Grace.

Alſo, in that, that I ſclaundred my Lord, I knowlech that I did Evil and wickedly in that, that I ſpake to him in ſclaunderous wiſe, in Audience of other Folk; bot by the

K. Richard II. *Way, that my Soul shall too, I meant none Evil therein, nevertheless I wot and knowleche that I did Evil and unkindly, wherefore I submit me high and low in his Grace.*

Also, in that I, among other, communed and asked of certain Clercs, whether that we might give up our Homage for Drede of our Lives, or not, and whether that we were assentid thereto for to do it, trewly, and by my Troth, I ne have now none full Mind thereof, but I trow rather yes than nay, wherefore I submit me high and low evermore in his Grace.

Also, in that, that I was in Place where it was communed, and spoken in Manner of Deposal of my Liege Lord, truly I knowlech well, that we were assentid thereto for two Days or three, and then were for to have done our Homage and our Othes, and put him as highly in his Estate as ever he was; but forsouth there I knowlech that I did untruly, and unkindly as to him, that is my Liege Lord, and hath been so good and kind Lord to me, wherefore I beseech to him, notwithstanding myn Unkindness, evermore of his Mercy and of his Grace, as lowly as any Creature may beseech it unto his Liege Lord.

And as of any new Thing or Ordenance, that ever I should have Witting or known, ordained or assentid, privy or appert, that should have been against my Lord's Estate, or his Will, or any that longeth about him, syth that Way I swore unto him at Langley, *on God's Body truly, and by that Othe that I there made, I never knew of gathering against him, ne none other that longeth unto him.*

And as touching all these Points, that I have made Confession of to Sir William Rickhill, *Justice, in the which I wot well that I have offended my Lord unkindly and untruly,* [475] *as I have said before, how that I have in all these Points offended him, and done against him, trewly, and as I will answer before God, it was my meaning and my weaning to do the best for his Person, and for his Estate; nevertheless I wot well, and know well nowe, that my Deeds and my Workings were against my Intent; but, by the Way, that my Soul shall too of these Points, and of all other the which that I done of Negligence and of Unkunning, it was never myne Intent, ne my Will, ne for my Thought, for to do a Thing that should have been Distresse or Harming against the Salvation of my Liege Lord's Person, as I will answer before God at the Day of Judgment.*

And

And therefore I beſeech my Liege and Sovereign Lord K. Richard II.
the King, that he will, of his high Grace and Benignity, accept me to his Mercy and his Grace, as I that put my Life, my Body, and my Goods, wholly at his Will, as lowly as meekly as any Creature can do or may do to his Liege Lord; beſeeching to his High Lordſhip, that he will, for the Paſſion that God ſuffered for all Mankind, and the Compaſſion that he had for his Mother on the Croſſe, and the Pity he had of Mary Magdalen, *that he will vouchſafe for to have Compaſſion and Pity, and to accept me to his Mercy and to his Grace, as he that hath ever been full of Mercy and of Grace to all his Lieges, and to all other that have nought been ſo nigh unto him as I have been, though I been unworthy.*——So far in *Engliſh*.

After this Return to the Commiſſion had been read, the Appellants prayed that Sir *William Rickhill*, approved for his great Loyalty and Diſcretion, might be commanded by the King, upon his Allegiance, to declare the Truth touching this Confeſſion; who, in the Preſence of the King, the Lords Spiritual and Temporal, and Commons, in Parliament, ſaid and declared, 'That, 'about Eight o'Clock before Noon, he came within the 'Caſtle of *Calais* to the Duke of *Glouceſter*, who was 'then of good Memory and out of Priſon [g]; that he 'ſhewed him his Commiſſion, and the Cauſe of his 'coming, in the Preſence of *John Lancaſter* and *John* 'Lovetoft; and deſired that what he, the ſaid Duke, [476]
'had to ſay to it he would put down in Writing, and 'then he departed. Returning to him about Nine of 'the Clock in the Afternoon of the ſame Day, the Duke 'read, in Writing, the ſaid Confeſſion, with his own 'Mouth, and gave the ſame to *William Rickhill* with 'his own Hand. Further, *William Rickhill* ſaid to the 'ſaid Duke, That if there was any Thing more touch-'ing this Matter, that he would ſpeak it for the 'King's Satisfaction, for that the King would know the 'whole Truth of the Affair: Whereupon the Duke 'ſaid he had forgot one Thing that then came into 'his Memory, that he ſaid to his Majeſty, *If he de-'ſigned to be King, he muſt not intercede for Sir* Simon 'Burley, *to ſave him from Death:* And he deſired the

[g] *Et eſtant alors en bonne Memorie, et hors de Dureſſe de Priſon.* Record.

K. *Richard* II. 'said *William Rickhill* to shew this to the King by 'Word of Mouth [h].

To keep up the Impartiality of these Inquiries, it is necessary to say, that, notwithstanding the Formality of the Confession, and this Deposition of the Judge relating to it, yet most Historians agree that this Noble Duke was privately murdered at *Calais*, because the King and Council durst not bring so popular a Prince to an open Trial: And *Tyrrel*, though he has given the abovesaid Confession at large, yet concludes with saying that it was *extorted* from the Duke; and that he was one that stood up highly for the Liberties and Rights of the People, and was greatly beloved by them: But yet he owns that he was one of so high and turbulent a Temper, as greatly exasperated the King his Nephew, which gave Occasion to those that hated the Duke to work his Ruin; to which the King too readily consented [i].

[477] But to proceed with the Record, and leave the Judgment of these Matters to others. On the 28th of *September* the Constable of the Tower brought before the Parliament *Thomas* Earl of *Warwick*, who was told by the Duke of *Lancaster*, Lord High-Steward, by Command from the King and all the Lords Temporal, that he was accused by *Edward* Earl of *Rutland*, and the other Appellants, there named, of divers High Treasons, which were all comprehended in two Articles, that of assembling with Force and armed Men at *Haringhay*, &c. and the Charge about Sir *Simon Burley*, which were drawn up in the same Words as in the Case of the Earl of *Arundele*. To all which he answered, 'That he 'well understood those Treasons and wicked Deeds; 'that he was guilty of them, and put himself upon the 'King's

The Earl of *Warwick* convicted,

[h] *Et pria le dit* William Rickhill *quil verroit monstrer certe Matire ou Roy pur Bouch*, Placita Coronæ.

[i] His Body was afterwards brought into *England*, and buried in *Westminster* Abbey, where his Tomb still remains.

Sir *John Froisart*, a Contemporary Historian, and very conversant in King *Richard*'s Court, has a very long Chapter under this Title, *How the Duke of* Gloceſtre *subtelly sought out the Means how to destroye King* Rycharde *of* Englande, *his Nephue:* And says expresly that the King was driven to these Straits, either to destroy or be destroyed himself. Book III. cap. ccxxii and ccxxiii.

See also *Fabian*'s *Chron.* Part VII. Fol. cxlix.

Also *Hollingshead*, p. 487; where there is a large Account of the Duke's haughty Behaviour to the King, and his secret Combination against him. *Polydore Vergil* stiles this Duke, *Vir ferocissimus et precipitis Ingenii, Hist. Ang.* Lib. xx.

'King's Mercy and Grace[k].' Upon which the Duke of *Lancaſter*, by Command of the King, and Conſent, as aforeſaid, of all, pronounced the very ſame Sentence againſt him, in all Things, as he had done againſt the Earl of *Arundele*. But, adds the Record, the King moved with Pity, to the Reverence and Honour of God, at the Prayer of the Appellants, the Lords Spiritual and Temporal, and Commons in Parliament, remitted Part of the ſaid Judgment, and granted him his Life; ſo that his Sentence was, *To remain Priſoner in the* Iſle of Man *during his Life; upon Condition, that if any Means were made Uſe of to the King or his Heirs, to gain him any further Favour, or if he ſhould make his Eſcape, then the Judgment againſt him for Death ſhould be put in Execution, and the King's Grace ſhould be void.* K. *Richard* II. And baniſhed.

This done, the Commons before the King, in Parliament, affirmed the ſaid Appeals to be all good and lawful. Afterwards the Lords Appellants impeached *Thomas Mortimer* of the Treaſons comprized in the ſaid Accuſation; but he, being then in *Ireland*, fled into the Mountains to the *Iriſh* Rebels for Protection. A Proclamation was thereupon ordered in Parliament, to be made throughout *Ireland*, that he ſhould ſurrender himſelf in *England*, within three Months, to anſwer to the Impeachment, or elſe be declared a Traitor; and all his Manors, Caſtles, Lands and Tenements, *&c.* which he was poſſeſſed of on the 13th of *November*, as in the former Caſes, ſhould be forfeited to the King[l]. *Thomas Mortimer* makes his Eſcape [478]

After theſe ſevere Proceedings, the Commons interceded with the King, for his Favour towards the Biſhops and Lords who were named Commiſſioners in the former Commiſſion, made in the 10th Year of his Reign, but neither procured it, conſented to it, nor acted in the Execution of it. Three of theſe were yet alive, *viz.* the Duke of *York*, the Biſhop of *Wincheſter*, and *Richard le Scrope*. The four dead were *William* late Archbiſhop of *Canterbury*, *Alexander* late Archbiſhop of *York*, *Thomas* late Biſhop of *Exeter*, and *Nicholas* late Abbot

k *J. Stowe* writes, That he behaved himſelf like an old Woman at his Trial, confeſſed all Things contained in the Appeal, weeping, wailing, and howling, and ſubmitting himſelf in all Things to the King's Mercy. *Chron.* p. 318.

l The Writ directed to *Roger Mortimer*, Earl of *March*, the King's Lieutenant in *Ireland*, with the Proclamation againſt *Thomas Mortimer*, included, is preſerved in the *Public Acts*. Tom. VIII. p. 16.

K. *Richard* II. Abbot of *Waltham*, whoſe Loyalty and Innocency were acknowledged in open Parliament. The Declaration of which, by the Advice of the Lords, and at the Requeſt of the Commons, the King cauſed to be made into a Statute.

The Commons further humbly beſeeched the King, 'That he would pleaſe to conſider how that, at the 'Time when *Thomas* Duke of *Glouceſter*, *Richard* Earl 'of *Arundele*, and *Thomas* Earl of *Warwick*, did riſe in 'Arms againſt their Allegiance to the King, the ſaid 'Duke and Earls would have come and ſeized the Per'ſon of the King, killed a great Number of his Sub'jects, and would have accompliſhed their wicked Pur'poſe and Intent, if they had not been let and hindered 'by thoſe honourable Perſons of the King's Blood, '*Henry* of *Lancaſter*, Earl of *Derby*, and *Thomas de* '*Mowbray*, Earl of *Nottingham:* Theſe Noblemen 'well underſtood that the ſaid Duke and Earls were no'toriouſly acting againſt their Allegiance and the King's 'Eſtate; and, being willing to do their Duty, left the 'other's Company and came to him. Therefore the [479] 'ſaid Commons ſpecially recommended the Perſons of 'the Earls of *Derby* and *Nottingham* to his Favour.' Whereupon the King, ſitting in his Royal Throne, in Parliament, anſwered, *That this Matter was better known to him than to any other, and he both witneſſed and declared the good Behaviour, Loyalty, and Fame of the ſaid two Earls, and held them for his loyal Subjects, and that they ſhould be reported and taken for ſuch throughout the Realm. Further, that they ſhould be excuſed from any Impeachment, Moleſtation, or Grievance, for the Cauſe aforeſaid, in any Time to come* [m].

Then, with the Advice and Conſent of all the Lords in Parliament, and at the Prayer of the Commons, the King ordained and eſtabliſhed that this Declaration and Grant ſhould have the Force of, and be holden for, a Statute; and that all Judgments, Declarations, Ordinances, and Eſtabliſhments, made in this Parliament, ſhould have the ſame Force and Vigour as a Statute.

It was in this Parliament alſo that the King, with the Conſent of all, erected the County of *Cheſter* into a Prin-

[m] Theſe two Peers had been Joint-Appellants with the three impeached Lords. See before p. 412, 437. Rot. Parl. 21 *Rich.* II. No. 27.

Principality, and annexed to it all the Caſtles, Lordſhips, Rents, &c. in the Counties of *Flint* and *Salop*, which did belong, and are now forfeited, to the Crown, by the Attainder of the late Earl of *Arundele*, the Title of Prince of *Cheſter*, for ever, to be fixed on the King's eldeſt Son. The Eſtates of the Duke and Earl of *Warwick* were annexed to the Crown. K. *Richard* II. The County of *Cheſter* made a Principality.

Alſo the King, in ſome Meaſure to reward the Loyalty of his Nobility, ſhewn at this Time, made ſeveral new Creations in this Parliament: For, on *Michaelmas-Day*, *Henry* Earl of *Derby*, was made Duke of *Hereford*; *Edward* Earl of *Rutland*, Duke of *Albemarle*; *Thomas Holland* Earl of *Kent*, Duke of *Surrey*; *John Holland* Earl of *Huntingdon*, Duke of *Exeter*; both the King's Half-Brothers. *Thomas Mowbray* Earl of *Nottingham*, Duke of *Norfolk*; *John Beaufort* was made Earl of *Somerſet* and Marquis of *Dorſet*; *Thomas* Lord *Deſpenſer*, Earl of *Glouceſter*; *Ralph* Lord *Nevile*, Earl of *Weſtmoreland*; *Thomas* Lord *Piercy*, Earl of *Worceſter*; and *William* Lord *Scrope*, Earl of *Wiltſhire*. Promotions.

After all which Ceremonies were ended, we are told, by the Records, that the King, on the ſame Day, conſidering there were ſeveral great Affairs ſtill depending, that could not very well be determined at that Time, and for other Cauſes and Reaſons thereunto moving him, did adjourn this preſent Parliament from *Weſtminſter* to the *Quindene* of St. *Hilary* next coming, to be holden at *Shrewſbury*, and ordered all States and Degrees to take Notice and there to attend; after which he gave Leave to the Lords and Commons to depart for that Time. The Parliament adjourned to *Shrewſbury*.

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Notwithſtanding the great Buſineſs of this Seſſion was now over, which, in all, laſted but twelve Days, yet a Matter of ſome Moment occurs, which was the immediate Conſequence of it. For the very next Day, being *Sunday*, and the Feaſt of St. *Jerome*, *September* 30, the Lords Spiritual and Temporal, after Maſs was celebrated in the Abbey-Church at *Weſtminſter*, before the Shrine of St. *Edward*, took an Oath in the King's Preſence; and the Prelates, that is to ſay, all the Biſhops there preſent, with ſeveral Mitred Abbots and Priors,

whoſe

K. *Richard* II. whose Names and Titles, with the Form of the Oath, is copied from the original Roll, as follows:

The Archbishop of *York*,
The Bishop of *London*,
The Bishop of *Winchester*,
The Bishop of *Ely*,
The Bishop of *Duresme*,
The Bishop of *Salisbury*,
The Bishop of *Exceter*,
The Bishop of *Bangor*,
The Bishop of *Worceſter*,
The Bishop of *Hereford*,
The Bishop of *Chicheſter*,
The Bishop of *St. Asaph*,
The Bishop of *Carliſle*,
The Bishop of *Llandaff*,
The Prior of St. *John* of *Jeruſalem* in *England*,
The Abbot of *Weſtminſter*,
The Abbot of *St. Alban's*,
The Prior of *Canterbury*.

You ſhall ſwear, That well and truly you ſhall hold, ſuſtain, and maintain, without Fraud or Deceit, all the Statutes, Eſtabliſhments, Ordinances, or Judgments, made or given in this Parliament, without doing any Thing to the contrary of any of them, or the Dependencies on, or Parcel of them; nor that you will ever repeal, revoke, caſſate, make void, reverſe, adnull, nor ever ſuffer them to be repealed, revoked, caſſated, made void, reverſed, or adnulled, ſo long as you live; ſaving to the King his Royalty, Liberty, and the Right of his Crown.

And ſo ſoon as they had ſworn, the Lords Temporal, in the ſame Place, in the Preſence of the King, took the ſame Oath; that is to ſay,

The Duke of *Guienne* and *Lancaſter*,
The Duke of *York*,
[481] The Duke of *Hereford*,
The Duke of *Albemarle*,
The Duke of *Surrey*,
The Duke of *Exceſter*,
The Duke of *Norfolk*,
The Marquis of *Dorſet*,
The Earl of *Oxford*,
The Earl of *Stafford*,
The Earl of *Northumberland*,
The Earl of *Saliſbury*,
The Earl of *Glouceſter*,
The Earl of *Weſtmoreland*,
The Earl of *Worceſter*,
The Earl of *Wilts*,
The Lord *de Camoys*,
The Lord *de Bourchier*,
The Lord *de Powys*,
The Lord *Fitz-Walter*,
The Lord *de Roos*,
The Lord *de Harrington*,
The Lord *de Burnell*,
The Lord *de Berkely*,
The Lord *de Darcy*,
The Lord *de Willoughby*,
The Lord *Grey* of *Codnore*,
The Lord *Grey* of *Ruthin*,

The

The Lord *de Scales*,
The Lord *de St. Amand*,
The Lord *de Furnivall*,
The Lord *de Ferrers*,
The Lord *de Seymour*,
The Lord *de Lovell*,
The Lord *de Bardolph*,
The Lord *de Morley*,
William Beaumont, Lord of *Burgavenny*,
Ralph de Cromwell,
Ralph de Lumly,
Philip le Deſpenſer.

And did ſwear further in theſe Words:

The Temporal Lords ſwear to ſupport the Reſolutions of this Parliament.

You ſhall ſwear that, in Time to come, you ſhall never ſuffer any Man living to do any Thing contrary to the Statutes, Eſtabliſhments, Ordinances, and Judgments made or given in this preſent Parliament, nor to any Dependencies on, or Parcel of, them: And if any one ſhall do ſo, and be duly convicted, you ſhall uſe your entire Power and Diligence, without Fraud or Deceit, to proſecute him before the King, and his Heirs, Kings of England, *and cauſe him to have Execution as an high and falſe Traitor to the King and Kingdom; ſaving to the King his Royalty, Liberty, and Right of his Crown.*

Then the King aſked the Knights of Shires there preſent for the Parliament, *If they would hold and keep the ſame Oath?* Who promiſed with loud Voices [n] to keep it, holding up their Hands on high, as a Sign of their Affirmance of the ſaid Oaths.

And, immediately after, Sir *Thomas de Piercy* made the ſame Oath the Lords Temporal had made, for and in the Name of the Clergy, as their Procurator-General, by Authority aboveſaid.

This done, the King, the Prelates, and Lords Temporal, went from the Shrine of St. *Edward*, and came [482] before the high Altar of the Church; and there, for the Eſtabliſhment and Affirmance of theſe Things, the Prelates and Ordinaries of the Provinces of *Canterbury* and *York*, with one Aſſent, did pronounce the Sentence of the greater Excommunication againſt all and every of the Subjects of both Provinces, that openly or privately, by Deed, Counſel, or Advice, ſhould contravene or do againſt any of the aforeſaid Premiſſes; the King's Royalty and Prerogative in all Things ſaved.

This was the ſtrongeſt Aſſurance that any King ever did or could take from his Subjects; for if Oaths in our Days

[n] *Aveſque haut Voices.* Record.

K. *Richard* II. Days are not ſo binding as they ſhould be, yet in thoſe Times the temporal as well as eternal Puniſhment, denounced againſt the Breakers of them, muſt have been regarded: But what ſmall Faith Princes depend on, who rely on nothing elſe but ſuch ſlender Aſſurances from their Subjects, may be notably demonſtrated by the enſuing Revolution.

Anno Regni 21. 1398. At the Time appointed, *Jan.* 27, 1398, this Parliament met again, according to the late Adjournment, at *Shrewſbury* [o]; and on the Day of their re-aſſembling the Lord High-Chancellor put them in Mind 'That 'this Parliament was firſt ſummoned to *Weſtminſter* for 'the Honour of God, and that Holy Church might en- 'joy all her Liberties and Franchiſes; and the Knights, 'Citizens, and Burgeſſes theirs alſo, as ſtrongly as they 'ever did in former Times: That there might be no 'more Governors in the Kingdom than one; alſo that 'the Laws might be duly obeyed and executed, as he 'more fully explained to them in ſetting forth and de- 'claring the Cauſe at the Beginning of this Parliament.' The Chancellor then applied himſelf particularly to the Commons, and ſaid, 'That the King wanted to be 'informed by them, how the Charge ſhould be borne 'for the Defence of *England*, *Ireland*, *Guienne*, the 'Marches of *Calais*, and alſo thoſe of *Scotland*, in Caſe 'they kept not the four Years Truce, which was to end 'at *Michaelmas* next.'

At *Shrewſbury*.

Though the Proceedings of both theſe Seſſions of this Parliament go on, in the Rolls, as if they were all one, yet the ſame Formality of preſenting the Speaker and his Proteſtation, was obſerved in this as well as the former, though he was the very ſame Perſon, Sir *John Buſſy*.

Sir JOHN BUSSY, Speaker.

[483] In this Seſſion of Parliament the Lords Appellants again, who (though the ſame Perſons) had now higher Titles, as *Edward* Duke of *Albemarle*, *Thomas* Duke of *Surrey*, *John* Duke of *Exeter*, *John* Marquis of *Dorſet*, *John* Earl of *Saliſbury*, *Thomas* Earl of *Glouceſter*, and *William* Earl of *Wiltſhire*, ſet forth to the King, that certain Lords, lately convicted and attainted, *viz.* the Duke

[o] *Salophiris* in the Record. The Writ of Summons, directed to *Roger* Earl of *March*, Lieutenant of *Ireland*, requiring his Attendance at this Parliament at *Shrewſbury*, with the Reaſons aſſigned for it, is extant in the *Public Acts*. *Dat. quinto Die* Octobris. Tom. VIII. p. 21.

Duke of *Glouceſter*, with the Earls of *Arundele* and *Warwick*, by Coertion and Compulſion, had made him ſummon a Parliament at *Weſtminſter* on the Morrow after *Candlemas*, in the 11th Year of his Reign; where were particularly recited all the Queſtions and Anſwers formerly put to, and made by, Sir *Robert Treſilian*, Chief Juſtice, with the other Judges and King's Serjeants at *Nottingham*, as are already recited [p]. K. *Richard* II.

Then the Queſtions and Anſwers of the Judges, made at the Time aforeſaid, were read over before the King, Lords, and Commons; and all the Eſtates in this Seſſion of Parliament were ſeverally aſked, What they thought of thoſe Anſwers? Who ſaid, 'They thought 'the Judges had made and given their Anſwers duly and 'lawfully, as good and Liege People of the King ought 'to do.' After which Sir *Thomas Skelton*, learned in the Law, *William Hankeford*, and *William Brenckly*, the King's Serjeants, ſaid, 'The Anſwers were good and 'lawful, and if the ſame Queſtion had been put to them, 'they would have given the ſame Anſwer.' *William Thirning*, Chief Juſtice of the King's Bench, ſaid, 'The 'Declaration of Treaſon, not already declared, belong-'ed to Parliament, but, were he a Lord or a Peer of 'Parliament, and had been aſked, he would have ſpoke 'in the ſame Manner:' So likewiſe *William Rickhill*, a Judge of the Common Pleas, and *William Clopton*, Chief Juſtice of the Common Bench, anſwered and affirmed the ſame Things: Therefore the former Anſwers of the Judges, in the 11th Year of the King, were judged and held to be good and ſufficient by this Parliament [q].

Then, by the Aſſent of the Lords Spiritual and Temporal, the Procurators of the Clergy, and the whole Body of the Commons, by and with the Advice of the Judges there preſent, it was decreed, ordained, and eſtabliſhed, 'That the Parliament, holden the ſaid 11th [484]

[p] See before, p. 406, 432.

[q] Monſ. *Rapin* here makes a notable Remark: 'It may be further ob-'ſerved, ſays he, that the violent Method practiſed by *Richard* to attain 'to arbitrary Power, I mean forced Elections, and Opinions of the Judges, 'was exactly copied in our Days, by one of his Succeſſors, who had with-'out Doubt the ſame Intention. But we may add, that the Attempts of 'theſe two Monarchs ſerved only to promote their own Deſtruction, and 'that their Deſigns came to the ſame Cataſtrophe.' *Hiſt. of Eng.* Fol. Ed. p. 468.—An invidious Reflection.

K. *Richard* II. 'Year, shall be clearly annulled and held for none, 'as being done without the Authority, and against the 'Will and Liberty, of the King, and the Right of his 'Crown; and that all the Judgments, Statutes, and 'Ordinances made in the same, with all Things depend- 'ing upon them, shall be revoked and annulled, reversed 'and repealed, and held for none; and that all Lands, 'Tenements, Fees, Advowsons, and other Possessions, 'seized as Forfeit, by Colour of the said Judgment, shall 'be restored and delivered to them who were condemn- 'ed or put out, or else to their Heirs; and to them 'that have any Cause of Action, or Title of Right, all 'Manner of Liberties and Franchises as they had at any 'Time, with Restitution of Goods and Chattels.'

All the Proceedings of Parliament in the 11th Year annulled.

To this Session of Parliament *Thomas Mortimer*, impeached in the last, had Time given him to make his Appearance and take his Trial; which he not doing, the Duke of *Lancaster*, as Lord High-Steward, with the Consent of the Lords Temporal, and the Earl of *Wiltshire*, then chosen Proctor for the Prelates and Clergy, gave Sentence and Judgment against him, according to the Tenor of the Proclamation.

On the same Day, which was *Jan.* 28, came on the Trial of *John de Cobham*[r] Knight, who had been impeached by the Commons, in the last Session, for the same Crimes that *Thomas Mortimer* was, *viz.* That he, sitting in Judgment, awarded *Simon Burley* and *James* [485] *Berners*, Knights, to be executed, as before, without the King's Assent, in his Absence, and in the Absence of many Peers of Parliament, who arose and would not sit in such Judgment, *&c.* against the Peace of the King, his Crown, and Dignity.

The Duke of *Surrey*, in whose Custody this Sir *John Cobham* was, brought him into Parliament to answer to the Articles alledged against him, and the Duke of *Lancaster* told him, That he was accused and impeached by the Commons, for the Treasons aforesaid, and commanded him to answer at his Peril. Upon hearing the

[Impeach-

[r] Mr. *Tyrrel*, though he has traced exactly, and in several Things has enlarged upon, and corrected Dr. *Brady*, in his Proceedings of this Parliament, yet has wholly omitted this Trial, which is as much upon Record as any of the rest. It is somewhat odd that this Sir *John Cobham*, who was but a Commoner, should be tried in the same Manner as the Archbishop and the other Peers.

Impeachment read, the Knight said, 'That, as to the 'making of the Commission, he was not guilty; and, as 'to the Use and Exercise of the same, he said he did 'not meddle with it without the King's Command, and 'that he went to the King and told him, he with others 'were made Commissioners, but that he would not act 'according to the Commission without the King's Li- 'cence, who thereupon commanded him to act.' To this the King himself answered, *That he was under such Government at that Time, that he could say no otherwise, by reason of such as were then about him; but that the Commission was made against his Will, the said* John Cobham *could not deny.* As to the Judgment and Award made against the said *Simon* and *James*, the Prisoner said, 'He was told by those who were then Masters, 'that it was the King's Will such Judgment and Award 'should be made.' Upon these Answers, the Commons prayed the King to give Judgment against him, as convict and attainted of the Use and Exercise of the Commission, &c. Whereupon the Lord High-Steward, by Consent as aforesaid, gave Judgment against the said *John de Cobham*, as in the Case of the Earl of *Arundele*. But all those Judgments the King graciously pardoned; yet so that he was to be a Prisoner in the Isle of *Jersey* during his Life, on the same Conditions as the Earl of *Warwick* in the *Isle of Man*.

K. *Richard* II.

Sir *John Cobham* impeached and banished.

The next Day Sir *John Bussy*, or *Bushy*, Speaker of the House of Commons, came before the King and Lords, and said, 'That, before that Time, many Ordi- 'nances and Statutes, made in divers Parliaments, had 'been reversed by others of different Opinions, Reasons, 'and Devices; therefore he, in Behalf of the Com- [486] 'mons, prayed the King, That the greatest Security 'which could be given might be done this Parliament.' The King charged all the Estates, upon this Motion, to give him their Advice for the best and most firm Security in this Case. The Lords answered, 'That they 'had all sworn before to hold and keep the said Judg- 'ments, Establishments, and Statutes, which, as 'much as in them lay, they were resolved to main- 'tain with all their Power.' The King also demanded of the Judges and Serjeants at Law, If they knew any securer Way for the keeping and observing of the said Ordinances

K. *Richard* II. Ordinances and Statutes? Who answered, The greatest Security which could be given was already done by this Parliament. Yet the Lords Spiritual and Temporal thought fit to renew their Oaths before the King in Parliament, upon the Cross of *Canterbury*; at which Solemnity, the Commons held up their Hands in Affirmance of the said Oaths, as did likewise the Proctors for the Clergy, and the Knights about the King. Then Proclamation being made, in the Audience of the whole Assembly, to know if they would consent to this Manner of Security, they answered, lifting up their Right Hands on high, and crying with a loud Voice, *That it pleased them well, and they fully consented thereunto.*— Lastly, and which was to establish the Proceedings of this Parliament on the most permanent Foundation, the King obtained the Pope's Letters, denouncing grievous Censures against all whatsoever that should presume, at any Time, and in any Manner, to break these Statutes. Which Letters the King caused to be publickly read at *Paul*'s Cross, and in all the chief Cities of the Kingdom [s].

A Subsidy granted for the King's Life.

The Day after, which was the last Day of this Parliament, the Commons, with the Assent of the Lords, granted to the King the Subsidy on Wooll, Leather, and Woolfells, for his Life; with a Protestation tho' that this Grant should be no Example to any of the King's Successors, Kings of *England*, proceeding only from the intire Love and Regard he had shewn to the said Commons. They also gave the King one whole Tenth and Fifteenth, and half a Tenth and Fifteenth, which was more than ever they had given to his Grandfather. But, upon these Grants, the Commons prayed his Majesty to bestow three or four thousand Marks on those that had been plundered at *Radcot-Bridge*, and to pay the Lords Appellants their Expences; both which were granted.

[487]

A general Pardon.

Then, on the same Day, an Act of Grace, or a general Pardon, was passed for all Things done before that Time; which was the last Day of *January*.

It is said, by many Historians, that there was an Exception made in this Pardon of fifty Persons from the Benefit of it; whose Names were not expressed, but left

[s] *Walsingham*, p. 356. The Pope's Bull of Confirmation is in the *Anonymous Life of* Richard II. p. 165.

left to the King's own Knowledge and Pleasure. By which Reservation, say they, this General Pardon became no Pardon at all, since no Man in *England* could assure himself that he was not excepted in it [t]. But it is happy for the Memory of this unfortunate Prince, that this Pardon, or Act of Grace, is still upon Record, and is printed from thence in the last Edition of the *Statutes at large*; by which 'tis easy to disprove this scandalous Aspersion, and evidently shews how far a partial Historian will go, when he seeks to corroborate his favourite Principle. It appears by the Testimony above recited, that there are but two Exceptions made in the whole Act, and those very modest ones. The first is, 'That 'no Person whatsoever shall have the Benefit of this Act 'for Treason or Felony, unless he sues out his Charter 'of Pardon.' The next is, 'Provided also, that, at all 'Times, those Persons who rode and gathered them-'selves forcibly against the King, in the 11th Year of 'his Reign, with the Lords that are convicted and con-'demned, shall have no Benefit of this Act made at this 'Time, unless they sue out their Charters of Pardon for 'each before the Feast of St. *John Baptist* next coming [u].' K. *Richard* II.

And further, we find, in the Collection of *Public Acts*, a Writ, directed to the Sheriff of *Shropshire*, which was also sent to all the other Sheriffs in *England*, wherein the Time for taking out Pardons the King enlarges from *Midsummer* to the Feast of *All Saints*. And tho' the Substance of the former Act is recapitulated in this Writ, there is no Mention made of any such Exception in it [x]. [488]

After the Grant of this Pardon, the King, by his own Mouth, declared in Parliament, *That if the Lords and Commons, who in Time to come may sit in Parliament, shall*

[t] *Hollingshead's Chron.* p. 493; *Tyrrel's History of England*, Vol. III. p. 983; *Sam. Daniel* in *Kennet*, p. 278; *The Life and Reign of* Rich. II. *by a Person of Quality*, p. 165.

[u] *Purveour aussy tout soize qe nully qi chivacherent et soy leverent forciblement encontre le Roy, l'An de son Regne unzisme, owek le Seigneurs qe sont ore adjuggez et convictz, nozent nul Benefite de celle faite a celle Temps, fils ne pursuwent Chartres de Pardon en celle Partie parentre cy et le Feste de Seint* Johan le Baptiste *proschein avenir.*

See cap. xv. in the Acts of this Parliament, *Anno* 21 *Richard* II. in the *Statutes at large*, last Edition, *et Rot. Parl.* 21 Richard II. No. 77.

[x] *Fœd. Angliæ*, Tom. VIII. p. 40. *Dat. apud* Litchfeld, Junii 25.

There is a particular Pardon granted to Sir *Richard le Scrope*, for being concerned in the Commission, &c. Dated at *Westminster, December* 5, *Ibidem*, p. 26.

K. *Richard* II. *let, or any ways disturb him in the Collection of the said Impoſts on Wooll, Leather, and Wooll-fells, granted as above, then the said Pardon and Grace shall be void and of no Effect.*

During this second Session, *Richard* brought into *Shrewsbury* a numerous Guard of the Militia of *Cheshire*, who expressed so strong an Inclination to serve him, that, to gratify the County, he erected it into a Principality; and added to the rest of his own Titles that of Prince of *Chester*, as is expressed in the Account of the first Session of this Parliament.

A private Petition, but which had a public Concern, came also before this Session of Parliament. *Thomas le Despenser*, Grandson and Great Grandson to *Hugh* the Father and *Hugh* the Son, petitioned the King, in full Parliament, to have Redress; and recited the Petitions of his said Ancestors made to the King in a Parliament holden at *York* in the 15th Year of *Edward* II.[a]

The Parliament took this Affair into Consideration, and disannulled the Exile and Disherison of both those Earls for the following Reasons: *First*, Because they were not appealed, or called to answer, nor due Process against them made, according to Law. *Secondly*, Because the Prelates, who were Peers of the Realm, did not consent to the said Exile and Disherison. *Thirdly*, Because it was against *Magna Charta* that any one should [489] be exiled or tried, or otherwise destroyed, without Judgment of his Peers. And the Petitioners farther set forth, That whereas this Annullation was afterwards made void in the first of *Edward* III. they pray that Statute may be reversed, and all the Articles and Things contained in it, for the Reasons aboveſaid. The Petition was granted, and the Statute reversed and made void accordingly; not only for the Causes before expressed, but also considering that the Repeal was made by King *Edward* III. at such Time as his Father *Edward* II. was living, being very King, and in Prison, so that he could not resist the same. But we shall find that all these Proceedings were again reversed in the first Parliament of King *Henry* IV. on which Mr. *Tyrrel* makes this just Remark, 'That there can nothing be con-

The Disherison of the two *Despensers* annull'd.

'cluded

[a] This Petition, and the Proceedings upon it, take up great Part of the Roll of this Parliament.

'cluded from the Precedents of these two Parliaments, K. Richard II.
'as well as some others, but that they have for the
'most Part voted according to the present ruling Tem-
'per of the Nation, or the Inclination of the Prince that
'called them.' [y]

The Source of the ensuing Revolution.

But, before we conclude with the Transactions of this Parliament, we must recite an Affair which now happened, greater in its Consequences than any Thing which has been hitherto related. The Reader may observe, that in the List of the Lords Appellants, given at the Beginning of this Session, the Names of the Dukes of *Hereford* and *Norfolk* are not mentioned, tho' they were both concerned in the Impeachments. This could proceed from nothing else than a mortal Quarrel which had then happened between these two Noblemen; and which the former was about to accuse the other of before the King and Parliament.

As a Prelude to the main Affair, on the last Day of this Parliament the Duke of *Hereford* took Occasion to fall on his Knees, in a very humble Manner, before the King, in the Presence of both the Houses, and spoke thus to him; 'My Liege Lord, I know well that many
'Riots, Disturbances, and evil Deeds have been made
'and done within your Kingdom, to the Offence of
'you and your Royal Estate, in which I myself was,
'with others, present; not with an ill Intent on purpose [490]
'to offend you, for I knew not then it was any Fault or
'Offence against you: But, Sir, since I am now better
'informed, I confess my Offences, and, in so doing, I
'beg your Mercy and Pardon.' Upon which the King graciously accepted of the humble Prayer and Confession of the Duke; granted him the Pardon he asked, in full Parliament, for whatever he had done in the Things abovesaid, or deserved for them; promised to be his good Lord, and declared openly to all the Estates, that he had granted him full Pardon for the Matters aforesaid.

After which the said *Henry* of *Lancaster*, Duke of *Hereford*, came to the King with a Schedule in his Hand, and said, 'That he had already, by his Majesty's
'Command, been before him at *Hawode*, where he had
'inform'd him that *Thomas Mowbray*, Duke of *Norfolk*,
'had spoken many dishonest Words in Slander of his

[y] *Tyrrel*, Vol. III. p. 981. See before, p. 169, 187, 192, 209.

K. *Richard* II. ‘ Royal Perſon, which were ſpoken to himſelf, and that ‘ then his Majeſty charged him, upon his Allegiance, ‘ that he would truly repeat the Words as they were ‘ ſpoken: That, not out of Malice or any other Cauſe, ‘ but only as he was bound to obey the King's Com- ‘ mand, he had now put down in Writing the Words ‘ which the Duke of *Norfolk* ſpake to him, to the beſt ‘ of his Remembrance, as they were contained in this ‘ Schedule, which he delivered to the King; with a ‘ Proteſtation, at the ſame Time, to add or diminiſh ‘ when he pleaſed, or as it might be needful, ſaving al- ‘ ways the Subſtance of the preſent Writing;’ which was to this Effect [z]:

‘ That in the Month of *December*, in the 21ſt Year ‘ of your Reign, the Duke of *Hereford*, travelling be- ‘ tween *Brainford* and *London*, met the Duke of *Nor-* ‘ *folk* with a great Train, and diſcourſed with him of ‘ divers Matters, amongſt which he told him they were ‘ all ready to be undone; and the Duke of *Hereford* ‘ demanded why? He anſwered, For the Fact at *Radcot-* [491] ‘ *Bridge*. The Duke of *Hereford* ſaid, How can that ‘ be; for the King hath ſhewed us Favour, and declared ‘ us in Parliament to have been good and loyal towards ‘ him? The Duke of *Norfolk* anſwered, Notwithſtand- ‘ ing that, it will be done to us as has been done to others ‘ before, for he will vacate this Record. The Duke of ‘ *Hereford* replied, This would be a great Wonder, ſince ‘ the King had ſaid it before all the People that he ſhould ‘ afterwards make it be annulled: And further, the Duke ‘ of *Norfolk* ſaid, This was a marvellous World, and ‘ falſe; for I know well, ſaid he, that if [a] ‘ my Lord your Father and you had been taken or kil- ‘ led when you came to *Windſor* after the Parliament ‘ was up, that the Dukes of *Albemarle* and *Exeter*, the ‘ Earl of *Worceſter*, and himſelf, were agreed never to ‘ undo any Lord without juſt and reaſonable Cauſe; ‘ and that the Malice of this Fact was in the Duke of ‘ *Surrey*, with the Earls of *Wiltſhire* and *Saliſbury*, draw- ‘ ing

[z] There is a ſtrange Miſtake in Sir *John Froiſart*'s Chronicle, or in the Record; for the former ſays, expreſly, ‘ That it was the Duke of *Norfolk* ‘ who accuſed the Duke of *Hereford* for ſlanderous Words ſpoken by him ‘ againſt the King;’ and gives all the Circumſtances at large. Book IV. cap. ccxxviii.

[a] Not legible in the Record.

'ing to them the Earl of *Glouceſter*, who had ſworn to undo ſix other Lords; that is to ſay, the Dukes of *Lancaſter*, *Hereford*, *Albemarle*, and *Exeter*, with the Marquis of *Dorſet*, and himſelf. He alſo ſaid, they purpoſed to reverſe the Judgment of Earl *Thomas* of *Lancaſter*, and hereby we and many others ſhould be diſinherited. The Duke of *Hereford* ſaid, God forbid, for it would be a great Wonder if the King ſhould aſſent to this; for it was with a chearful Countenance that he promiſed to be a good Lord to them and others; and alſo that he knew he had ſworn it by St. *Edward*: And the Duke of *Norfolk* anſwered, He had done the ſame to him many Times, and ſworn by the Body of God; and that, for all this, he was never the more to be truſted; and further ſaid to the Duke of *Hereford*, That the King was about to draw the Earl of *March* and others to the ſame Agreement and Purpoſe of the ſaid four Lords to deſtroy the reſt aforeſaid. The Duke of *Hereford* replied, If it be ſo, we can never truſt them. The Duke of *Norfolk* returned, For certain not; for although they cannot accompliſh their Deſigns at preſent, yet they will be contriving ten Years from this Time to deſtroy us in our Houſes.' K. *Richard* II.

This Complaint, in Writing, having been read before the King and Lords, it was then ordained by him, with the Aſſent of all the other Eſtates, That the Matters therein comprized ſhould be determined and ended by the good Advice and Diſcretion of the King, and the Commiſſioners already aſſigned by Authority of Parliament. The Reaſon of conſtituting theſe Commiſſioners we have reſerved as the finiſhing Stroke to the long Proceedings of this Parliament, ſince they were to act by that Authority, and to be, in a judicial Way, the Repreſentatives of the whole Body. For, [492]

On this laſt Day of the Seſſion, *January* 31, the Commons prayed the King, 'That whereas they had before them divers Petitions, as well for ſpecial Perſons as others, not read and anſwered; and alſo many other Matters and Things had been moved in the Preſence of the King, which, for Shortneſs of Time, could not be well determined, that it would pleaſe his Majeſty to commit full Power to certain Lords and others, there named, to examine, anſwer, and diſpatch the

The Authority of the whole Parliament delegated to twelve Lords and ſix Commoners.

K. *Richard* II. ‘ Petitions, Matters, and Things aboveſaid, and all De-
‘ pendencies on them.’ To this Prayer the King gave his Aſſent; and thereupon, by Authority of all the Eſtates, it was ordained, That *John* Duke of *Lancaſter*, *Edmund* Duke of *York*, *Edward* Duke of *Albemarle*, *Thomas* Duke of *Surrey*, *John* Duke of *Exeter*, *John* Marquis of *Dorſet*, *Roger* Earl of *March*, *John* Earl of *Saliſbury*, *Henry* Earl of *Northumberland*, *Thomas* Earl of *Glouceſter*, *Thomas* Earl of *Wincheſter*, and *William* Earl of *Wiltſhire*, Proctor for the Clergy, or any ſix of them, together with *John Buſſy*, *Henry Green*, *John Ruſſel*, *Robert Teye*, *Henry Chelmſwike*, and *John Golofre*, Knights, deputed by the Commons in that Parliament, or any four or three of theſe ſhall have full Power *to execute*, *anſwer*, *and fully determine all the ſaid Petitions*, *with their Complaints*; *as alſo all other Matters and Things moved in the Preſence of the King*, *with all other Dependencies upon them*, *not yet determined*, *as they ſhall think beſt by their good Advice and Diſcretion to act in theſe Affairs by Authority of Parliament* [a].

[493] Thus, after a Multiplicity of Buſineſs tranſacted in a very little Time, was this Parliament diſſolved; the firſt Seſſion laſting but twelve Days, and the laſt but four. The three Eſtates of which it was compoſed parted in very good Humour with one another. The King, as uſual, commanded the Chancellor to return them all his hearty Thanks for their Diligence and quick Diſpatch of Buſineſs in it; and ordered the Knights, Citizens, and Burgeſſes to ſue out Writs for their Wages, and gave them Leave to depart. The various Reflections which have been made by Hiſtorians on the Conduct of this Parliament, we ſhall not touch upon; the Authors themſelves may be peruſed, and every Reader form his own Judgment by them. We ſhall only add, what Mr. *Tyrrel* obſerves, ‘ That, by this laſt Act, the
‘ whole Power and Authority of the Kingdom was now
‘ devolved upon the King, twelve Peers, and ſix Com-
‘ moners; and how arbitrarily they uſed it, may be ſeen
‘ in the Sequel [b].’

But it is neceſſary here, to keep up the Thread of this Hiſtory, to ſtep out of Parliament a little, and purſue the

[a] Rot. Parl. 21 *Rich.* II. No. 54.
[b] *Tyrrel's Hiſtory of England*, Vol. III. p. 982.

the Quarrel which was begun in the laſt Seſſion betwixt the two Noblemen aforeſaid. We have ſaid the Deciſion of it was left to the laſt-named Committee, in general, or a particular Number of them. No ſooner was the Parliament diſſolved, but both the Dukes appeared before the King at *Oſwaldſtree*, when a further Day was aſſigned to meet them at *Windſor*. In the mean Time the King, Lords, and Knights aboveſaid, agreed that the Determination of the Difference ſhould be according to the Laws of Chivalry, if other Proof or Evidence could not be found for the ending of this Diſpute by the ordinary Courſe of Law. But no further Proof being produced by either of the Parties, they both appeared at the Place laſt mentioned, on the Day prefixed, to receive the King's Judgment thereon. K. *Richard* II.

Hereupon, as it had been determined by the King and the Committee of Parliament, at *Oſwaldſtree*, his Majeſty ordained, ſince there was no other Way to ſettle the Difference, that it ſhould be determined by ſingle Combat at *Coventry*, on a Day appointed for that Purpoſe.

Our general Hiſtorians are here again very particular in deſcribing all the Circumſtances of this famous Duel that was to be; and much pompous Language is uſed in the Account of the Preparations and Appearance of the two Noble Combatants. But we ſhall content ourſelves in following ſtrictly the Tenor of the Record, by which, though the Reader will find himſelf abridged in the ceremonial Part, he may be ſatisfied with the real one. [494]

The two Dukes having accepted of the Trial by Duel, as above, they both appeared at *Coventry*, at the Time prefixed, which was *September* 16, the ſame Year, ready at all Points to decide the bloody Controverſy; when the King took the Battle into his own Hands, as the Record has it, and, by the full Advice, Authority, and Aſſent of the Committee of Parliament, decreed and ordained, 'That, for the Peace and Tran-'quillity of himſelf, his Kingdom, and his Subjects, and 'to avoid the Debates and Troubles that might not 'only ariſe between the two Dukes, but amongſt their 'Friends and Followers, the Duke of *Hereford* ſhould 'be baniſhed the Kingdom for ten Years, to depart on 'or before the 13th of *October* next, upon the Penalty

'of

K. *Richard* II. ‘ of incurring Treaſon, by Authority of Parliament. Al-
‘ ſo it was ordained, by the Authority aforeſaid, under
‘ the ſame Penalty, that the Duke of *Hereford* ſhould not
‘ come in Company with the Duke of *Norfolk*, nor with
‘ *Thomas Arundele*, Archbiſhop; nor ſend, or cauſe to
‘ be ſent, nor receive or cauſe to be received, any Meſ-
‘ ſage or otherwiſe, to or from either of them.’ As to the Duke of *Norfolk*, it was decreed, ‘ That foraſmuch
‘ as he had confeſſed certain Points of the Accuſation,
‘ before the King at *Windſor*, on the 29th of *April* laſt,
‘ which he had denied at *Oſwaldſtree*, on the 23d of
‘ *February* foregoing, and which were very likely to
‘ breed great Trouble within the Kingdom, the King
‘ deſiring to puniſh, as rightful Lord, all ſuch as were
‘ the Authors of ſuch Troubles and Debates, and wil-
‘ ling alſo to avoid the Occaſion of them, adjudged and
‘ ordained, by the ſame Advice, Authority, and Aſſent
‘ of the Committee, that *Thomas* Duke of *Norfolk* ſhould
‘ void the Realm, for Term of Life, and that he ſhall
‘ be out of the Kingdom by the 20th of *October* next
‘ coming, to reſide in *Germany*, *Bohemia*, and *Hunga-*
‘ *ry*, and other Parts of *Chriſtendom*, upon Pain to in-
‘ cur Treaſon, by the Authority aforeſaid. Further,
[495] ‘ that he ſhould not come into the Company of the Duke
The Dukes of *Hereford* and *Norfolk* baniſhed by the ſaid Committee. ‘ of *Hereford*, nor of *Thomas Arundele*, nor ſend or
‘ receive Meſſages, &c. as in the Caſe of the other.
‘ And it was likewiſe ordained, by the ſaid Authority,
‘ That if either of the Dukes, or any for them, do pro-
‘ cure any Thing to be done againſt the leaſt Point in
‘ this Ordinance, or what was done on the 16th of
‘ *September*, he or they ſhall incur the Penalty of Trea-
‘ ſon, as if it had been done againſt any other Ordinance
‘ of the Parliament, begun at *Weſtminſter* and adjourned
‘ to *Shrewſbury*. *Laſtly*, If they, or any for them, ſhould
‘ ſeek for any Manner of Pardon or Licence to return
‘ home, they were alſo to incur the ſame Penalty, by
‘ the ſame Authority.’

The Duke of *Hereford*, at his taking Leave of the King at *Eltham*, behaved himſelf ſo reſpectfully, and bore his Sentence with ſo much Unconcernedneſs, that his Majeſty was then pleaſed to declare, that he would abate four Years of his Exile. The Duke of *Norfolk*, in great Grief and Diſcontent, went into *Germany*, and from

from thence to *Venice*, where not long after he died; unlamented of any, either at home or abroad, leaving the Character of a cruel, falſe, and unconſtant Perſon. Mr. *Tyrrel* obſerves, That the Sentence of his Baniſhment was pronounced on the very Day Twelvemonth on which the Duke of *Glouceſter* had, by his Orders, been murdered at *Calais*. So juſt, adds he, is the Divine Vengeance, not only in puniſhing ill Actions, but in cauſing of them to be attended with ſuch Circumſtances, that the World may take Notice of them. K. *Richard* II.

But to return to the Tranſactions of the King and his Committee of Parliament. On the 14th of *October* his Majeſty, with the Dukes of *Lancaſter*, *York*, *Albemarle*, *Surrey*, and *Exeter*, the Marquis of *Dorſet*, the Earls of *March*, *Saliſbury*, and *Glouceſter*, *John Buſſy*, *Henry Green*, and *John Ruſſel*, Knights, being again aſſembled, by Virtue of the Authority to them committed in the Parliament at *Shrewſbury*, made certain Ordinances and Statutes, five whereof are printed in the *Statutes at large*[c]. The laſt of theſe relating only to our Purpoſe, and varying ſomewhat from the Roll, wants this Addition, *viz.* [496]

'The King, on the Day above-mentioned, by the Aſſent 'of the Lords and Knights of Counties aſſigned by Au- 'thority of Parliament, doth ordain, That every Per- 'ſon that procureth or endeavoureth to repeal or reverſe 'any of the Statutes or Ordinances made by the King 'and the ſaid Committee, and that being duly proved 'in Parliament, ſhall be adjuged and have Execution as 'a Traitor to the Kingdom, in like Manner as they 'which endeavour or procure to be repealed the Statutes 'and Ordinances made during the Time of the Sitting 'of the ſaid Parliament.' Beſides this, there was a Proviſion made, for their greater Security, that the Oath of every Biſhop, at his receiving his Temporalities, and of every Lay-Lord, when he had Livery of his Lands and Tenements, ſhould be enlarged with theſe Additions: That of the Biſhops was as follows:

You ſhall ſwear, that well and truly you ſhall hold, maintain, and ſtand to, without Fraud or Deceit, all the Statutes, Eſtabliſhments, Ordinances, or Judgments made and rendered in the Parliament ſummoned and begun at Weſtminſter, *on the* Monday *next after the Exaltation of*

[c] *Anno Regni* 21 *Rich.* II. cap. 20.

K. Richard II. *of Holy Croſs, in the Year of the Reign of our Lord King* Richard II. *after the Conqueſt, twenty-one, and from thence adjourned to* Shrewſbury, *to the* Quindene *of St.* Hilary *then next coming, and there ended. And alſo all the Statutes and Ordinances made after the ſaid Parliament by the King and Lords, and Knights of Shires, coming for the Commons to that Parliament, without going or doing to the contrary of any of them, or the Dependents on, or Parcel of, them; nor that you will ever repeal, revoke, make void, reverſe, or annul, nor ever ſuffer them to be repealed, revoked, caſſated, made void, reverſed, or annulled, ſo long as you live; ſaving to the King his Royalty, Liberty, and Right of his Crown.*

To the Oath of the Temporal Lords was this Addition:

You ſhall ſwear, that you will never ſuffer, in Time to come, any Man living to do any Thing contrary to any of the Statutes, Eſtabliſhments, Ordinances, and Judgments aboveſaid, nor any Dependents on, or Part of, them. And [497] *if any one ſo do, and be thereof duly convict, you ſhall uſe your utmoſt Power and Diligence, without Fraud or Deceit, to proſecute him before the King, or his Heirs Kings of* England, *and cauſe him to have Execution as an high Traitor to the King and Kingdom; ſaving to the King his Regality, Liberty, and Right of his Crown.*

By ſuch Means as theſe did this Junto of a Parliament fortify themſelves in their new-got Power, and endeavour to ratify and tranſmit their Proceedings to all Poſterity. But, by driving on too faſt, they broke their Reins, and, in a very ſhort Space, brought their unhappy Governor, as well as themſelves, to utter Deſtruction.

Their other violent and arbitrary Proceedings.

About *Candlemas*, in the next Year, 1399, died *John* Duke of *Lancaſter*, the King's Uncle, who had juſt lived to ſee his eldeſt Son baniſhed, and have a Vote himſelf in the Sentence of it. By the Duke's Death, the Title, vaſt Eſtate, and Honours of that Branch of the Royal Family, ought to have devolved upon *Henry* Duke of *Hereford*, his Son; but the King, jealous of ſo great Power in ſo near a Relation, took Occaſion to prevent it; for, on the 8th of *March* following, the Commiſſioners that had the Authority of Parliament delegated to them, met again at *Weſtminſter*; where they declared that

that *Henry* Duke of *Hereford*, after the Judgment given against him at *Coventry*, had procured Letters Patent from the King, that, during his Abſence, he might, by his Attorney, ſue and have Livery of any Lands deſcended to him, and have his Homage reſpited till his Return. Theſe Letters Patent the Commiſſioners declared were againſt Law; wherefore the King, by the Advice and Aſſent of the ſaid Committee, revoked theſe Letters Patent, as alſo the like made to the Duke of *Norfolk* [c]. K. *Richard* II.

This was the largeſt Stride that ever this miſguided King took towards his own Deſtruction: For if, on his Uncle of *Lancaſter*'s Death, he had recalled his Son from Baniſhment, and had reſtored him to his natural Inheritance and Honours, he could have had no Pretence to lay Claim to any higher Titles. *Froiſart*, the Hiſtorian of theſe Times, is entirely of this Opinion [d]: Another *French* Author, but of a much later Date, ſays, 'That the King not only confiſcated all the Duke of '*Hereford*'s Eſtate, but, by a Sentence as unjuſt as his 'Baniſhment, made it perpetual [e].' We doubt that our latter *Frenchman* is miſtaken in this, ſince we have not met with it on any Authority, either in the Records, or in any Hiſtorian whatſoever. [498]

It is true that the King and Committee above-mentioned were not contented with what they had done againſt the preſent Duke of *Lancaſter*, but they proceeded moſt ſeverely againſt one *Henry Bowett*, Clerk [f], who had been his Solicitor in this Buſineſs. For, on the 23d of *April* following, being then aſſembled at *Windſor*, he was brought before them; and it being ſhewn to the King that the ſaid *Bowett* had been the Contriver and Manager of the Petition upon which the Letters Patent had been granted, he was alſo, by the ſaid Committee, which had the Authority of Parliament, adjudged a Traitor, and ſentenced to be hanged, drawn, beheaded, and quartered, and all his Lands and Tenements, Goods and Chattels, to be forfeited. But the King, becauſe he was his Chaplain, pardoned the Execution of the Judgment, and granted him his Life, but baniſhed

[c] Rot. Parl. 21 *Richard* II. N°. 87, 88.
[d] *Froiſart*'s *Chron.* Book IV. cap. ccxxxv.
[e] *Rapin*, Folio Edit. p. 470.
[f] Afterwards made Archbiſhop of *York* by *Henry* IV.

K. *Richard* II. banished him the Kingdom for ever. On the same Day *Robert Pleshington*, Knight, tho' dead before, was adjudged a Traitor for being in the Action with the Duke of *Glouceſter* and the two Earls aforesaid, and all his Castles, Manors, Lands, &c. forfeited to the King.

And now did the King and the Committee of Parliament go on with unlimited Power to commit many arbitrary and unprecedented Acts, of which our larger Historians take sufficient Notice. But it is somewhat remarkable, that all the Blame is laid singly, by most of them, on the King himself; when it is certain that his Coadjutors, the Deputies of Parliament, ought to bear
[499] some of the Scandal; since they must have been advising and consenting to these arbitrary Edicts, and no doubt had a Share in the Plunder collected by them.

But, in order to bring this unhappy Monarch to his Catastrophe, and to declare how far a Parliament of *England* had a Hand in it, it is necessary to mention some coincident Circumstances, in order to clear it up the better to the Reader.

The new Duke of *Lancaſter*, who was more irritated at this last Treatment than at his Banishment, was then in *France*: To him the discontented Nobility and Gentry of *England* applied themselves, as the only Man that, by his Birth, Power, and Popularity, could redress their Grievances. The Duke received their Addresses at first very slightly; but, being settled at last in his Resolutions by *Thomas Arundele*, Archbishop of *Canterbury*, then also banished, who came to him in Disguise for that Purpose, he determined to try his Fortune in *England* on the first Opportunity [m].

It was not long before a very fair one offered; for an Account having been brought to Court that *Roger* Earl of *March*, the King's Lieutenant in *Ireland*, had been there slain by the Natives, to revenge his Death and
The King goes to *Ireland*. subdue that Country entirely, the King levied a considerable Force, and went over in Person with them. Towards which Expedition also he raised Money by several undue Ways, taking up Carriages, Victuals, and other Necessaries without paying for them; by which, and

[m] See the Speech that the Archbishop is said to have made to the Duke, to persuade him to this Enterprize, in *Collier's Ecclesiastical History*, Vol. I. p. 605.

and many other imprudent and rash Practices, he made himself and Government very disagreeable to his People. K. *Richard* II.

The new Duke of *Lancaster*, taking Advantage of King *Richard*'s Absence, with *Thomas Arundele*, Archbishop of *Canterbury*, the Son and Heir of the late Earl of *Arundele*, and a small Company of others [n], took Shipping in *France*, and hovering a while on the *English* Coast, to spy if there were any ready to resist them, they, at length, landed at *Ravenspurg*, in *Yorkshire* [o]. At first, the Duke gave out that he came only to recover his own Inheritance; but finding himself soon joined by *Henry Piercy* Earl of *Northumberland*, and *Henry*, named *Hotspur*, his Son, *Ralph* Earl of *Westmoreland*, and other Lords, and an Army of 60,000 Men, he altered his Tone, and boldly laid Claim to the Kingdom. With these Forces the Duke made a speedy March to *Bristol*, besieged the Castle, and took it; in which was the Earl of *Wiltshire*, Lord-Treasurer, Sir *John Bussy*, and Sir *Henry Green* [p], of the late Junto of Parliament; who, the next Day, by the Clamour of the People, and without any further Process, had their Heads struck off. In whose Absence the Duke of *Lancaster* lands in *England*, and claims the Crown. [500]

The Duke of *York*, the King's Uncle, who was left Guardian of the Realm in his Absence, with several Bishops, Lords, and others, of the King's Council, consulted what to do in this Exigency, but could come to no Resolution about it. In the mean Time, as soon as the King was informed in *Ireland* of the Duke's Landing, he secured his Sons, and the Sons of the Duke of *Gloucester*, who were with him, in *Trim* Castle, in that Kingdom. Then, with the Dukes of *Albemarle*, *Exeter*, and *Surrey*, with the Bishops of *London*, *Lincoln*, and *Carlisle*, and many others, he took Shipping with all Speed, in order to go over and raise such a Force as might hinder the Duke's Progress. But, on his Landing, when he found how Matters went, and that the People and greater Part of the Lords had forsaken him, and The King returns,

n Not exceeding twenty Lances, and his whole Retinue sixty Persons. Sir *J. Hayward*, p. 68. *Anonymous Life of Rich.* II. p. 181.

o Now called *Spurn-Head*, a Promontory on the *Holderness* Coast. In a Charter granted to one *Mathew Danthorp*, a Frier Eremite, who had built a Chapel there, and which King *Henry* IV. thought fit to endow, with some Sea-Coast Revenues, for his happy Landing at that Place, it is called *Ravenserespourne*: More antiently, the *Ocellum Promontorium* of the *Romans*. *Fœd. Ang.* Tom. VIII. p. 89.

p See before, p. 492, 518.

K. *Richard* II. and were gone over to Duke *Henry*, he laid aside all Thoughts of fighting, and even dismissed his Family; giving them Notice, by Sir *Thomas Piercy*, his Steward, that they might provide for and reserve themselves for better Times. After this, the King shifted up and down, and was here and there for many Days, the Duke following him with his Army; until at last he fixed at the Castle of *Conway*, in *Wales*, from whence [501] he sent to speak with the Archbishop and the Earl of *Northumberland*. They immediately waited on his Majesty, to whom he declared, *That he would quit his Government, if he might have his Life secured, and an honourable Provision made for himself, and eight Persons that he should name.* This being granted and confirmed, the King went to *Flint* Castle; where, after a short Conference with the Duke of *Lancaster*, they mounted their Horses together, and rode to *Chester* that Night; the Duke's numerous Army still following [1].

And agrees to resign the Kingdom.

He is committed Prisoner to the Tower till the Parliament could meet,

At *Chester*, Writs of Summons were issued out, in King *Richard*'s Name, for a Parliament to meet on the Morrow of St. *Michael*, or the 30th of *September*, dated *August* 29, from *Chester*. In the mean Time, the King was brought up to *London*, and secured in the Tower, until the Parliament should sit; and all the Instruments of his Cession, Resignation, and Deposition, with the Articles against him, could be prepared.

This Method of Proceeding, most Authors have agreed, was first proposed in Council by the Duke of *York*, in order to fix their intended Revolution on the surest Foundation. He argued, 'That King *Richard*'s 'Resignation would be imputed only to Fear, and his Depri-

[1] P. *D'Orleans* says, the Defection was so general, that even the King's favourite little Greyhound left him to fawn upon the Duke; *Lors qu'ils alloient monter a Cheval, pour prendre ensemble le Chemin de* Londres, *une Chose extraordinaire attira les Yeux & l'Attention de tout le Monde. Le Roy avoit un beau Levrier, l'Histoire n'a pas dedaigné d'en conserver le Nom pour la rarete du fait; il s'appelloit* Math, *& etoit de ces Chiens qui ne connoissent & ne caressent que leur Maitre. Cet Animal, qui avoit coutume de chercher le Roy parmi cent autres, de le domeler, de s'attacher a luy, n'eut pas plutot apperceu le Duc, qu'il vint droit a luy, & luy fit tant de Caresses, que ce Prince en fut etonné, & demanda ce que cela signifioit.* C'est un Augure aussi heureux pour vous, qu'il m'est funeste, *repondit le Roy:* Ce Chien vous caresse comme Roy d'*Angleterre*, & m'abandonne comme un Roy deposé. *Le pronostique plut au Duc. Il caressa le Levrier, qui oubliant en cette Occasion la Fidelité naturelle aux Chiens pour prendre l'Ingratitude des Hommes, abandonna un Maitre malheureux, pour suivre un Homme qu'il voyoit favorisé de la Fortune.* Revolutions d'*Angleterre*, Tom. II. p. 118.

'Deprivation to Force; whereof the one is always pi- K. *Richard* II.
'tied and the other envied. But, if both concur, and
'his Deſire to reſign be equal to his Merit of it, then,
'ſays he, it will appear that he neither is expelled his
'Kingdom by mere Conſtraint, nor quitted it without
'juſt Cauſe.' This Advice was unanimouſly reſolved
upon, and gueſſing, rightly, that the unfortunate King [502]
would agree to any Thing they would have him, the
Inſtruments as aforeſaid were got ready for the Pur-
poſe.

Notwithſtanding all their Care, Duke *Henry* and his Council were ſomewhat puzzled how to proceed in this great Affair on another Account; the Archbiſhop of *Canterbury* having objected, that the Moment King *Richard*'s Renunciation was made, and his Ceſſion and Depoſition taken, the Parliament would be abſolutely diſſolved. Hereupon it was thought neceſſary, as ſoon as the Parliament was met, to have new Writs ready to iſſue out for calling another. Accordingly, when the aforeſaid Ceremony was over, which met with no Oppoſition from the unhappy King, freſh Writs came out, dated at *Weſtminſter*, *September* 30th, to the Lords, and all the Knights, Citizens, and Burgeſſes, throughout *England*, which were made returnable in ſix Days Time; for they were ſummoned to meet at *Weſtminſter* on the approaching Feſtival of St. *Faith*, the Virgin, which is the ſixth Day of *October* following; theſe double Writs being ſtill extant on Record to prove it. That theſe laſt were the very ſame Members that came on the firſt Summons, though called in *Henry*'s Name, appears alſo beyond Contradiction, by the Writs for their Wages or Expences, which Dr. *Brady* has taken Care to preſerve[m]. By theſe it is apparent that they were dated *November* 19, the laſt Day of the Parliament's ſitting, and the Members were allowed their Expences for fifty-one Days, beſides the Time of their coming and returning; in which fifty-one Days the 30th of *September* muſt be included, and all the reſt between the Feaſt of St. *Faith*, or the ſixth of *October* following, to make up the Number. This is a Piece of State Policy not thought proper to be taken Notice of by *Tyrrel*, or any of the Writers on that Side of the Que-

Which is called in *Richard*'s Name.

[m] *Brady*'s *Appendix*, N°. 114.

K. *Richard* II. Queſtion, but ought not to be omitted by any impartial Hiſtorian.

The Members of both Houſes being come up, they met in a very pompous and unuſual Manner, *Sept.* 30, 1399, in the Great Hall at *Weſtminſter*, which the unfortunate King had juſt re-edified, and was ſumptuouſly ſet off on this Occaſion. At the upper End of the Hall was placed a Royal Throne, or Chair of State, which was empty, and near it the Biſhops in Order; on the other Side, ſat the Lords Temporal, and by them the whole Body of the Commons. At the Head of the Lords ſat the Duke of *Lancaſter*, next him the Duke of *York*, the Dukes of *Albemarle*, *Surrey*, and *Exeter*, with the Marquis of *Dorſet*; after them, in Order, ſat the Earls of *Arundele*, *Norfolk*, *March*, *Staffford*, *Pembroke*, *Saliſbury*, and *Devonſhire*; the Earls of *Northumberland* and *Weſtmoreland* did not ſit down, but went about, from Place to Place, as Occaſion required them [n].

[503]

This Piece of new Pageantry being adjuſted, which *Walſingham* ſays was *abſque Præſidente quocunque* [o], a Committee of Biſhops, Lords, and Commons was appointed to go to King *Richard*, then a Priſoner in the Tower of *London*, with the Inſtruments of his Renunciation and Depoſition ready drawn up for that Purpoſe.

But as the Proceedings of this ſecond Parliament, if we may ſo call it, do, ſtrictly ſpeaking, belong to the next Reign, we think this a Criſis very proper to conclude our Firſt Volume. The Character of this King is beſt ſeen by his Conduct in the ſeveral Stages of theſe Inquiries; and we ſhall only ſubjoin what two Writers, neither of them Friends to the Prerogative, have left concerning him.

His Character. 'This Prince never ſhewed himſelf more worthy to 'govern than when he was depoſed as unworthy of it: 'For thereby it appeared that his Regal State was not 'ſo dear to him as a private Life; which if he had 'been ſuffered to enjoy quietly, perhaps he might have 'finiſhed his Days more happily than under the Toil 'and Burden of a Crown [p].

'It

n *Stowe's Chronicle*, p. 323.
o *Hiſt. Ang.* p. 359.
p Mr. *Tyrrel* in his Hiſtory of *England*.

'It is observable that in the two greatest Exigencies K. *Richard* II.
'of this Prince's Life he appeared differing from himself;
'one in the Resignation of his Crown, the other in the
'Loss of his Life. The first he did with a steady Calm-
'ness, almost above the Temper of a Man; the last
'with a Courage equal to the bravest. In smaller Con- [504]
'cerns he seemed unsteady and amazed; in these great
'ones, firm and unconcerned: But in these Extremities
'he was not clogged with those Favourites and Ministers
'that influenced him with their Weakness, and shook
'his Mind with their Indirectness; making not only
'their Cause to be his, but his Nature theirs: This
'seemed justified by his Behaviour in these last and
'greatest Extremities; when, acting wholly for himself,
'he intitled himself at last to his Grandfather's and Fa-
'ther's Courage and Virtue; what they never gave him
'Leave to appear when Living[q].'

TAXES in this King's Time.

IN his first Year he had two Fifteenths without Cities and Boroughs, and two Tenths within Cities and Boroughs for two Years granted him; and in the same Year a Poll-Tax was granted for the War against *France*[r].

The next Year the former Subsidy of Wooll, Leather, and Wooll fells, was granted for three Years; also 6 *d.* in the Pound on all Merchandize imported and exported for one Year.

In his third Year the Parliament granted to the King one Fifteenth and a Half, without the Cities and Boroughs, and one Tenth and a Half within those Places; and the Subsidies on Wooll, Leather, and Wooll-fells, for one Year more.

In his fourth Year there was a Capitation-Tax of three Groats of every Person of the Kingdom, Male or Female, of the Age of sixteen Years, of what State and Condition soever, except Beggars. This was granted for the Expedition into *Brittany*[s]; but occasioned an Insurrection under *Wat Tyler* and *Jack Straw*. They also renewed the old Subsidy on Wooll, *&c.*

q Reflections upon the Reigns of *Edward* II. and *Richard* II. by the Honourable Sir *Robert Howard*. Octavo, *London* 1690, p. 172.

r *Rot. Parl. in hoc Anno.*

s *Holling shead, Polydore Vergil.*

K. *Richard* II. [505]

In his sixth Year the former Subsidy on Wooll and Leather was farther continued for four Years, for the Assistance of the *Portugueze*; and the same Year a Tenth and a Fifteenth was granted for the War with *France*.

In his seventh Year there was granted Two Half-Fifteenths, with Tonnage and Poundage as before, for the War. The same Year the Parliament gave the King the Moiety of a Tenth and a Fifteenth against *Scotland* and *France*; and afterwards, for the same Purpose, two Fifteenths.

In his ninth Year there was granted for the Duke of *Lancaster*'s Voyage into *Spain*, for the Safe-keeping of the Sea and Marches of *Scotland*, a full Tenth and Fifteenth, and Half a Tenth and Fifteenth. The Clergy gave a Tenth: Also the Laity granted of every Sack of Wooll 2 *l.* 2 *s.* 4 *d.* of Natives; of Aliens, 2 *l.* 6 *s.* 8 *d.* and of Wooll-fells and Leather according to the old Rate.

In his tenth Year the Parliament granted Half a Tenth in Spirituals, and Half a Fifteenth on all Temporals. They likewise gave him of every Ton of Wine imported or exported 3 *s.* and 12 *d.* on every Pound of Merchandize.

In his eleventh Year there was granted Half a Tenth and Half a Fifteenth; and also a Subsidy upon Leather, Wooll, and Wooll-fells, with Tonnage and Poundage as usual.

In his twelfth Year there was granted to the King Half a Tenth from the Clergy, and Half a Fifteenth from the Laity, in order to carry on the War against *Scotland* for the next Year.

In his thirteenth Year there was a Subsidy granted of 33 *s.* 4 *d.* on every Sack of Wooll exported, of Natives; 36 *s.* 8 *d.* of Strangers; of every Last of Leather, five Marks from the former, and half a Mark more of the latter. Wooll-fells, *&c.* 240 were taxed the same as Wooll. Wine *per* Ton 3 *s.* and 6 *d.* a Pound on dry Goods.

In his fourteenth Year the Parliament granted to the King, on every Sack of Wooll, 43 *s.* 4 *d.* for Denizens; for Aliens, 46 *s.* 8 *d.* on every Last of Leather, six Marks for Denizens, and seven Marks for Aliens; on every 240 Wooll-fells, *&c.* 43 *s.* 4 *d.* for Denizens, and 46 *s.*

46 *s.* 7 *d.* for Aliens; Wine the same as before; but Merchandize 12 *d.* *per* Pound. K. *Richard* II.

In his fifteenth Year the Lords and Commons granted to the King Half a Tenth and Half a Fifteenth, with one other whole Tenth, as it is call'd, and one Fifteenth; conditionally, That if the King went not personally into *France* or *Scotland* against his Enemies, or that Peace was made, then the said Subsidies should remain to be employed upon the sole Defence of the Realm. [506]

In his sixteenth Year they gave the same Subsidy as was granted in the eleventh Year of his Reign, for three Years, together with Half a Tenth and Half a Fifteenth.

In his seventeenth Year the Commons granted the King, for three Years, a Subsidy upon Wooll, Woollfells, *&c.* 3 *s.* upon every Ton of Wine, and 12 *d.* upon every Pound of Merchandize, as in the eleventh Year of his Reign; so as this Money should only be employed for the Defence of the Realm.

The Clergy granted also a full Tenth, if the King went over; otherwise only Half a Tenth.

In his eighteenth Year the Clergy gave a Tenth, and the Commons a Fifteenth.

In his twentieth Year the Parliament granted 12 *d.* in the Pound of all Merchandize imported, and 3 *s.* *per* Pound on every Ton of Wine for three Years to come.

The Clergy also gave Half a Tenth on their Temporalities.

And in his twenty-first Year the King had granted him the Subsidy on Wooll, Leather, and Wooll-fells for his Life; with one whole Tenth and Fifteenth, and Half a Tenth and Fifteenth. But this extravagant Grant was made one of the Articles against this unhappy Prince in the succeeding Reign [u].

Towards forming some Notion of the Value of these Taxes, take the following Account of

The Price of PROVISIONS *in this Reign.*

In the Year 1379 Wheat was sold for 4 *s.* a Quarter; White Wine 6 *d.* a Gallon, and Red 4 *d.* [x] The low Price of Corn, at this Time, was pleaded by the Commons against granting a Supply [y].

In

[u] See Vol. II. p. 20. — [x] *Stowe's Chronicle.* — [y] *Ibid.*

K. *Richard* II.

In 1382 Wine ſold for 4 *l.* a Ton.

In 1387 Barley was ſold at *Leiceſter* [z] for 2 *s.* a Quarter, and Wheat for 2 *s.* Peaſe 1 *s.* Siligo, a Kind of Baſtard Wheat, 1 *s.*

[507]

In 1390 Wheat ſold at the ſame Town for 16 *s.* 8 *d.* for 14 *s.* and 13 *s.* 4 *d.* a Quarter; Wooll, on account of a Law againſt the Exportation of it, ſold for 3 *s.* for 2 *s.* and even for 20 *d.* a Stone.

[z] *Henry Knyghton.*

The END of the FIRST VOLUME.